

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	5 DECEMBER 2022	14
REMOTE PARTICIPATION IN MEETINGS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Council is asked to consider and accept the recommendation of the Audit and Standards Committee as set out below.

RECOMMENDATION

1. Adopt the revised Council procedure rules set out in the report in place of the existing Council procedure rule 2 in part 4 of the Constitution.

SUMMARY OF PREVIOUS DECISIONS

Audit and Standards Committee, November 15 2022: As detailed in the report.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. At its meeting on November 15, the Audit and Standards Committee considered a report from the Head of Governance advising of a recommendation of the Constitution Working Group proposing changes to the arrangements for Councillors to participate in Council and Committee meetings remotely. The report advised of the current procedure rules which permitted a Councillor to apply to participate remotely in a Council or Committee meeting, to the extent that the law permitted, if one week's prior notice was provided, and the Councillor was of the reasonable opinion that attendance in person would affect their wellbeing. The report

further advised that the Working Group had proposed changes of the relevant rule which would:

- Extend the rule so that it applied to all Committees, not just meetings of Committees that the Councillor who wished to attend remotely was a member of; and
- Shorten the notice period; and
- Replace the 'wellbeing' criterion with one relating to disability.

The report considered by the committee is appended to this report.

2. The committee resolved as follows:

"Recommend that Council adopt the revised Council procedure rules set out in the report in place of the existing Council procedure rule 2 in part 4 of the Constitution."

3. For convenience, the revised rule as set out in the report are reproduced below. Wording removed is struck through, and new wording is underlined and shown in square brackets:

2.1. Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting of the council including any committee (s) of which that Councillor is a member, if the following circumstances apply

(i) M has notified the Deputy Chief Executive in writing no later than one week [the third working day] before the meeting of their wish to participate remotely; and

(ii) M [has notified the Deputy Chief Executive in writing that M has a disability which may prevent M from]reasonably believes that it would be detrimental to their physical or mental wellbeing[being able] to attend the meeting in person.

(b) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.

[(c) M has a disability for the purposes of this rule if M has a disability for the purposes of the Equality Act 2010.]

[(d) For the avoidance of doubt, at a meeting that M is attending remotely M may not move or second motions or amendments and may not vote or do any other thing that the law only allows to be done by a councillor who is physically present.]

2.2 Substitutes

M may be represented by a substitute under rule 22 or 23 [at a meeting of a committee of which M is a member]but not by remote access means.[The substitute for M would be entitled to participate in the meeting in the same way as members of the committee physically present.]

2.3 Exempt and confidential items

M may not participate remotely in any part of a meeting in which the public have been excluded under section 100A of the Local Government Act 1972.

2.4 Maximum number of members participating remotely

The maximum number of members who may participate remotely in a council meeting is 2.

[2.3 Interests]

[(b) For the purposes of any provision in a code of conduct relating to the declaration of interests, M will be deemed to be present at a meeting in which M is participating remotely.]

[(c) M may not participate remotely in any part of a meeting where the business being discussed is business in which M has or should have made a declaration of a disclosable pecuniary interest or a prejudicial interest.]

IMPLICATIONS	
Finance	None
Legal	See below under 'Human Rights and Equalities'
Community Safety	None
Human Rights and Equalities	The changes proposed are intended to better address the council's obligations under equalities legislation, and in particular the public sector equality duty.
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Lead author's notes from Constitution Review Working Group		Town Hall, Lytham St Annes

Attached documents
Report to Audit and Standards Committee