

RECORD OF OFFICER DECISION

APPROVAL FOR ADOPTION OF TEMPORARY CONSTITUTIONAL PROCEDURE ON REMOTE MEETINGS

Decision made

To approve the adoption of a temporary constitutional protocol on remote meetings and other meeting procedures, to apply during the Covid-19 emergency in accordance with *The Coronavirus Act 2020 (The Act)* and *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (The Regulations)*

Made by: Ian Gibbons, Director of Legal, Electoral and Registration Services and Monitoring Officer

Background

1. As the Monitoring Officer, I am responsible for monitoring the effectiveness of the Constitution on behalf of Wiltshire Council. The power to make a decision in respect of this matter is delegated to me pursuant to Wiltshire Council's Constitution under Article 15.3.2 of Part 2.
2. Further, pursuant to Paragraph 4 of Part 3 Section D of the Constitution, the Directors of Wiltshire Council are empowered to take all necessary decisions in cases of emergency. As Director of Legal, Electoral and Registration Services these changes should be made as the interests of the Council may be compromised if this decision is not taken.

Reason for decision

3. A decision to change the Constitution would in other circumstances be taken by Full Council following consideration by the Standards Committee. However, in circumstances where Full Council is unable to meet to expedite its functions in a timely manner during the COVID-19 pandemic, this decision is being taken in accordance with the powers referred to in paragraphs 1 and 2 above after consultation with Group Leaders and relevant Members, including the Cabinet Member for Spatial Planning, Development Management and Investment, the Chairmen and Vice-Chairmen of the Council's Planning Committees, and the Constitution Focus Group. This decision will be reported to the next meeting of the Standards Committee and Full Council.
4. The Act and the Regulations permit the holding of virtual meetings of the Council by authorising attendance of elected Members by remote means. This applies notwithstanding any prohibition or restriction in the Council's Constitution governing meetings of the Council.

5. The Regulations allow the Council to establish such standing orders and procedures as may be appropriate to ensure the efficient and effective running of meetings, and appropriate access or participation of the public.
6. Therefore, in order to provide clarity, openness and transparency for Members and the public, procedures for remote meetings have been prepared for adoption within the Constitution. These will be kept under review and amended by the Monitoring Officer after consultation with Group Leaders and relevant Members as deemed necessary.
7. I confirm that in making this decision I have considered the following in line with Wiltshire Council's Constitution:

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| Key decision requirements | Not applicable – the decision relates only to procedural operation of cabinet and committee decision making |
| Views of relevant cabinet member(s), committee chairman, area board(s) | Group Leaders and relevant Members, including the Cabinet Member for Spatial Planning, Development Management and Investment, Chairs and Vice-chairs of Planning Committees, and the Constitution Focus Group have been consulted for their views. |
| Consideration of the area boards and delegated decision checklist for officers on the issue of when and how to involve local councillors and area boards in decisions about local services | Not applicable - the decision relates only to procedural operation of cabinet and committee decision making |
| Implication of any council policy, initiative, strategy or procedure | Yes – the adoption of these procedures will enable Members to discharge their decision making functions. |
| Consultation in accordance with requirements and expectations of consultation with the public | Not applicable - the decision relates only to procedural operation of cabinet committee decision making and consultation is not a requirement in the present circumstances. However, consideration has been given to the expectations of the public and how to ensure they can access and/or participate in democratic meetings. |
| Range of options available | The Council could adopt no specific procedures and rely on ad hoc arrangements. This would lead to inconsistencies and potentially |

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| | undermine effective democracy and decision making. |
| Staffing, financial and legal implications | There are no staffing or financial implications other than to address the risk of reduced staff due to Covid-19 emergency events. Legally the holding of remote meetings is now permitted under the Act and the Regulations. The new protocol and other procedures beyond the constitution are to ensure decisions are made in a robust, fair and transparent manner. |
| Risk assessment | Lack of clear procedures for remote meetings could delay or undermine effective decision making and local democracy. |
| Involvement of statutory officers and/or directors | The Monitoring Officer has consulted the Chief Executive Officers, the Proper Officer and relevant directors in drawing up these procedures. |
| Regional or national guidance from other bodies | Best practice guides and examples from other authorities have been considered in the preparation of these procedures. |
| The Council's Constitution | This decision will introduce a temporary new protocol to the Constitution. |
| This contract is suitable for execution under the e-signature process. | Not applicable |

Conflict of Interest

8. Not applicable

Other options considered

9. The Council could choose not to have any procedures for remote attendance at meetings and rely on ad hoc arrangements. This would, however, lead to inconsistencies, uncertainty, ineffective decision making and undermine public confidence in local democracy.

Made by:



**Ian Gibbons, Director of Legal, Electoral and Registration Services and
Monitoring Officer** **Dated: 5 May 2020**