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To: The Chair and Members  
of the Procedures  
Committee

County Hall  
Topsham Road  
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Devon  
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Date: 27 June 2022

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## **PROCEDURES COMMITTEE**

Tuesday, 5th July, 2022

A meeting of the Procedures Committee is to be held on the above date at 10.30 am via Microsoft Teams to consider the following matters.

Phil Norrey  
Chief Executive

## **A G E N D A**

### **PART I - OPEN COMMITTEE**

1 Apologies for absence

2 Minutes

Minutes of the meeting held on 8 February 2022, previously circulated.

3 Items requiring urgent attention

Items which in the opinion of the Chair should be considered at the meeting as a matter of urgency.

## **MATTERS FOR DECISION**

4 **Statutory Guidance on the Making and Disclosure of Special Severance Payments (Pages 1 - 4)**

Report of the County Solicitor (Interim) (CSO/22/13) on the Statutory guidance on the making and disclosure of Special Severance Payments and additional Governance required, attached.

*Electoral Divisions(s): All Divisions*

5 **Proposed Amendment to Standing Orders (Postponing Meetings)**

A piece of work has been undertaken to assess the potential impact of Operation London Bridge on County Council meetings.

There could be a requirement to postpone meetings or take any urgent decisions under delegated powers which is permissible under the Constitution. However, if an agenda has been published, we currently have no mechanism to then postpone if this was required.

Without any ability to hold meetings any meetings under the Local Government 1972 or those with Executive functions remotely, it also poses an issue with circumstances such as severe weather conditions which could prevent may attendees from physically attending the meeting.

It is therefore proposed to amend Standing Orders to include a provision along the lines of below.

*If the Chair considers that severe weather conditions or some other unforeseen circumstance warrant it, they may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority or Committee.*

The Committee are asked to endorse this proposal.

*Electoral Divisions(s): All Divisions*

## 6 Casual Vacancy - Declarations

[Section 86 of the Local Government Act 1972](#) describes the declaration by the Local Authority of vacancy in office in certain cases, either through ceasing to be qualified as a Member of the authority; or becoming disqualified or by reason of failure to attend meetings of the authority.

The casual vacancy does not occur until the Council declare the office to be vacant (which should happen forthwith after the person has ceased to be a member of the authority).

We recently received guidance from [ADSO and Lawyers for Local Government](#) which said 'provided the Council's Constitution has granted the proper officer the power to declare the office of councillor vacant, they can do so immediately after the person has ceased to be a member'.

Where no such power exists the vacancy must be declared at a Council meeting, which means a delay between the person ceasing to be a member and the vacancy occurring, as it is very much dependent on the date of the next Council meeting.

The paper recommends that Council's Constitutions provide delegated authority to the proper officer of the Council to declare vacancies that occur in relation to Section 86 of the Local Government Act 1972. The requirement for the Council to forthwith declare the office to be vacant places an expectation that this will happen without delay.

Whilst the Leader is permitted to agree the Scheme of Delegation, the Committee is asked to endorse the delegation to the proper officer, so that such vacancies can be declared in the timely manner as anticipated by the legislation.

*Electoral Divisions(s): All Divisions*

### **MATTERS FOR INFORMATION**

NIL

### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

NIL

*Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.*

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It is to be noted that Members of the Council must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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