

PROCEDURES COMMITTEE

15 September 2020

Present:-

Councillors S Barker (Chair), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright

* **84** **Minutes**

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Hart, and,

RESOLVED that the minutes of the meeting held on 4 February 2020 be signed as a correct record.

* **85** **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* **86** **Locality Budgets - Elections**

The County Solicitor recommended that, as was the case prior to previous quadrennial elections, the Committee consider the arrangements for the use of locality budgets in the period immediately prior to County Council elections in May 2021.

Members discussed the potential for any unspent funds, particularly in light of the COVID-19 pandemic and the needs of communities.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Connett, and

RESOLVED

(a) that, in recognising the need for Members to exercise caution in the use of their locality budgets in the period leading up to the County Council elections on the 6 May 2021, Members be authorised to initiate the allocation of any monies from 2020/21 by no later than 5 March 2021;

(b) that Members should not give any undertaking as to the allocation of funds in the period between 5 March 2020 and the Elections and the County Solicitor would advise Members accordingly at the appropriate time;

(c) that thereafter, the use of any unspent funds from 2020/2021 be ring fenced pending a discussion on how best to use those monies for a specific project and / or worthy cause, noting that this relates to unspent funds rather than allocated funds; and

(d) that any locality budget allocations start afresh from 2021/2022 with no carry forward from 2020/2021; and

(e) that a separate communication be sent to Members, outlining the guidance referred to above.

* **87** **Calendar of Meetings - January 2021 to May 2022**

The Committee considered the draft calendar of meetings for 2021/22 prepared in line with the pattern of previous years, known determinants and relevant factors.

Members also discussed remote meetings, pioneering new ways of working and health and wellbeing matters relating to remote working.

Officers agreed to send a copy of the recent staff health and wellbeing survey to Members.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Connett, and

RESOLVED that the draft Calendar for 2021/2022 be approved for publication.

* **88** **Timings and Length of Speeches - Council and Committee Meetings**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources (CSO/20/9) on the current lengths of speeches at Council and Committee meetings, which asked the Committee to consider if the timings were still fit for purpose.

The Committee noted that the current timings of speeches at Council and Committee meetings had been in place for a number of years. They were due to be reviewed by a Motions Working Group, however, the Procedures Committee, on 7th November 2019 (Minute 79 refers) had **RESOLVED** that, in view of the current process working well at the last Council meeting, the working group should not make any recommendations at this time, but reconvene when and if required. In light of this, the timings of speeches were never fully considered by the Procedures Committee.

The Committee noted the current lengths of speeches (outlined in the Constitution under Standing Order 16) and the changes previously suggested by the Procedures Committee, as outlined below, noting that no decision had been made at that time.

(a) on a minute or other matter relating to the Cabinet, by the Leader or a Cabinet Member: from 7 minutes to 5 minutes;

- (b) on a minute or other matter relating to any other committee, by the Chair of that committee or the relevant 'spokesperson' of the main Party Groups serving on that Committee: from 7 minutes to 5 minutes;
- (c) by the mover of a motion to remove the 'star' from a minute to enable an amendment to that minute to be considered by the Council: to remain at 3 minutes;
- (d) by the mover of any other motion or an amendment: from 7 minutes to 5 minutes;
- (e) by the mover of a motion or an amendment exercising his/her right of reply: to remain at 3 minutes;
- (f) by the Leader of the Council exercising their right of reply to Budget amendments: to remain at up to 10 minutes;
- (g) by a Member attending a meeting of a committee understanding order 8(1) or 25: from 5 minutes to 3 minutes; and
- (h) all other speeches: from 5 minutes to 3 minutes

The Committee also considered a representation a Member of the Council in relation to (g) highlighting that a reduction to three minutes curtailed the ability of a Member to speak on a serious divisional issue, or to place any complicated divisional or other issue on the agenda of a Scrutiny Committee.

Members discussed issues such as disability, democratic accountability and the role of Group Leaders in asking their Members to be succinct in making speeches.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Connett, and

RESOLVED that no changes be made to the timings of speeches at the current time.

89 **Moving Minutes at Council Meetings**

The Committee considered the process for moving minutes of Committees at the Council meeting.

Under Standing Order 13(2) Minutes of other committees submitted to the Council for approval were formally 'moved' by the Chair of the relevant committee (or another member acting on their behalf) and put to the Council for consideration. When all matters relating to those minutes had been dealt with (see also standing order 14(1)-(3)) the Chair of the Committee would then ask the Council to adopt the minutes as a whole (together with any amendments the Council may have agreed), without any further discussion.

The Committee noted that at last Council meeting, Standing Orders had been suspended to enable the Chair of the Council to move all the minutes of Committees simultaneously.

Members were asked to consider if they wish to amend Standing Orders to enable all minutes to be moved simultaneously by the Chair of the Council as a matter of course. The exception would be if a minute had been called and then it would be for the Chair of that Committee to formally move those minutes at the appropriate time.

It was **MOVED** by Councillor Barker, **SECONDED** by Councillor Connett, and

RESOLVED that Standing Orders be amended to reflect the process as outlined above.

90 **Local Government Association (LGA) Boards and Members Allowances**

Councillors Biederman, Connett, Hart, Hughes and Wright declared personal interests in this matter by virtue of being a member of the Fire Services Management Committee, the national lead LGA member for the Liberal Democrats, by virtue of being a member of the LGA Executive, the Chair of PATROL (Parking and Traffic Regulations Outside London) Joint Committee and a member of an LGA Policy Board respectively.

The Committee considered the Report of the County Solicitor; Chief Officer for Legal, Human Resources and Communications on proposals for amending the Members Allowances Scheme in relation to certain Local Government Association (LGA) commitments.

The Report highlighted the value that the Council placed on training and development and the benefits brought and the various mechanisms by which this happened.

The Committee noted that the LGA political groups also made a number of appointments to other boards and forums of their own volition and whilst it was important that Devon was represented at some of these, it was felt appropriate to apply some consistency in the application of approval of travel expenses to such events.

The Report highlighted what was permitted under the current allowances scheme in terms of both the basic allowance and the approved duties under schedule 1 of the scheme. Any variation required the approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate (in accordance with the framework outlined in Procedures Minute 33 (5/6/18)). It was clear that the scheme did not currently permit travel expenses for LGA Policy Board appointments.

The Report outlined the various (and different) mechanisms by each of the political groups for making the appointments and the Appendix to the Report showed the current Policy Boards, other LGA Structures and Workforce Employer Bodies. The Local Government Association (LGA) Allowances Scheme highlighted that "Travel and subsistence costs for all other meetings should be met by the member's home authority."

One of the issues was that the Council could not be clear how many Members were appointed to the Boards, because they were either appointed at a District level and / or that political groups approached Members direct.

Members considered three options, the first being to amend the allowances scheme to include such policy boards as an 'approved duty', the second to adopt a similar approach to that of attendance at training events where Members sought approval before accepting the appointment and option 3 where Members accept the appointment to the Board of their own volition, but were then responsible for all travel costs, to be met from their basic allowance or other personal income.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Connett, and

RESOLVED

(a) that Option 2 (*to adopt a similar approach to that of attendance at training events where Members seek approval before they accept the appointment as to whether the Council will pay for the travel expenses for the meetings of the Board. This would be via approval of the budget holder, the Head of Democratic Services, in liaison with the Leader of the Council. Members would be expected to make a case, outline the expected costs and frequency and also demonstrate the benefits to Devon County Council*), be adopted, and

(b) that the position be reviewed in 12 months time.

* 91

Devon Day - 4 June 2020

The Leader of the Council, under Standing Order 23(2), had asked that the Procedures Committee consider the matter of Devon Day, how the current date of the 4th June was chosen, the link to St Petrock's Day and also St Boniface and asked that some research was undertaken and a Report be brought back to the Committee at a later date.

RESOLVED that the issue be further investigated and a Report brought back to the Committee in due course.

* **92** **The Remote Meetings Regulations**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources (CSO/20/15) which outlined the scope of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and the Council's Meetings Protocol.

The Report highlighted that the Regulations had been made by the Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus Act 2020(1) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(2) and applied to local authority meetings (and police and crime panel meetings) that were required to be held, or held before 7th May 2021.

Of particular note were the changes in respect of the frequency of meetings, the Regulations overriding current Standing Orders, the requirement to hold an annual meeting being disapplied, access to information and the requirement for a paper copy of an agenda to be displayed in Council's offices being removed, requirements for access of the public and press to meetings and the requirements under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Of course, the permission to allow remote attendance in Local Authority meetings was, by far, the most significant change to working practices. The Regulations stated that meetings were not limited to a meeting of persons all of whom, or any of whom, were present in the same place. The reference to a "place" included reference to more than one place, for example electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers). A Member 'in remote attendance' could attend as long as certain conditions were satisfied such as being able to hear and be heard. The regulations preferred a visual solution, but audio was sufficient.

In order to apply the Regulations to current working practices, a formal meetings protocol was prepared. The most important issue was that the Protocol was as close to current processes, standing orders and public participation as possible, therefore ensuring accessibility was at the forefront of the new working.

A copy of the Protocol was attached at Appendix 1 to the Report which covered the use of Microsoft Teams for hosting remote / virtual meetings, access to documents, setting up the meeting, including external participants, joining the meeting (including a step by step guide), starting the meeting, quorum, declarations of interests, notice to speak, public participation, rules of debate, meeting etiquette, voting, part 2 reports, interpretation of standing orders, disorderly conduct, disturbance from the public, actions after the meeting, technical issues and equality.

Members also noted that the Council undertook its first remote meeting on the 8th April (Cabinet), which was just 5 days after the Regulations were published. The Council continued to learn and the technology still advanced with new functionality, so the experience of remote meetings would continually improve. The Local Government Association published Devon as one of their first case studies on their Remote Council Meetings Guidance webpages.

There were clearly savings to be made from holding remote meetings, however, Members noted a further price of work would be conducted which would consider meetings of the future and include many of the wider issues such as budgets, climate change and the environment.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Aves, and

RESOLVED

(a) that the contents of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 meetings regulations be noted; and

(b) that the Regulation's be formally adopted and the Council's formal Meetings Protocol be endorsed.

* 93

Remote Meetings and the Use of Technology for Member Meetings

The Committee noted that a full Report on Councillor Biederman's Notice of Motion relating to remote meetings and future technologies would be brought to the November meeting of this Committee.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.06 pm