



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

K. Miles  
Chief Executive.

To: All Members of the Council  
and Chief Officers

**NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 6.20 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND**

### **COUNCIL MEETING**

**YOU ARE HEREBY SUMMONED** to attend a meeting of **NORTH DEVON COUNCIL** to be held in the Crematorium Meeting Room - North Devon Crematorium on **WEDNESDAY, 12TH JANUARY, 2022 at 6.30 pm.**

**(NOTE: From the 7 May 2021, the law requires all councils to hold formal meetings in person. The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](https://www.northdevon.gov.uk))**

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

**Chief Executive**

### **AGENDA**

16. Virtual Meetings (Pages 7 - 16)  
Joint report by Chief Executive and Leader (attached).

**If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253**

4.01.22

## **GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL**

### Part 4, Council Procedure Rules of the Constitution

#### **The basics**

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

#### **The rules of Question Time**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.



## **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

# The Holding of Virtual Meetings

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Agenda Item 16



# History and Current Position

- Local Government Act 1972 requires “meetings” to be held in person
- Regulations introduced in April 2020 allowed flexibility in order to ensure safety of participants.
- Regulations expired in May 2021
- High Court confirmed in April 2021 that virtual formal meetings were not possible under current legislation
- The results of a call for evidence issued by the government have not been released yet

# History and Current Position

- The Omicron variant has resulted in renewed calls for virtual formal meetings to be allowed
- Primary legislation would be required to be issued by the government to allow virtual formal meetings.
- Latest messages from government is that this will not happen.
- Informal meetings/workshops/consultation meetings can still take place virtually.

# Experience of Virtual meetings

- Advantages of virtual meetings can be greater involvement by public, attendance by press and greater involvement by councillors.
- Our experience was that more councillors attended but it would be difficult to evidence a substantial increase in attendance by public.
- Virtual meetings not publicised particularly.



# Possible Solution

- Current Committees are treated as Consultative Committees which meet virtually and make recommendations.
- Decisions are then taken by officers after taking account of the views of the Consultative Committee.
- More extensive delegated powers given to officers to enact this arrangement.
- Wouldn't apply to decisions that have to be taken by Full Council or a Committee and officers and members would have the discretion to call a physical committee.

# Advantages

- All members of the Consultative Committee are involved equally in the decision making.
- Allows for members to meet virtually as before
- Public will be able to attend the Consultative Committee and have input where appropriate/allowed.

# Potential Risks/Issues

- Perception of too much decision making power being handed to officers. This can be mitigated by keeping the arrangement under review and viewing it as temporary.
- Officer decision is different to recommendation from Consultative Committee because of difference of opinion. This could happen but is likely to be rare and where it is likely to happen, consultation with Group Leaders can take place on action.

# Potential Risks/Issues

- Officer decision is different to recommendation from Consultative Committee because of a change in circumstances. New information could arise in the time between the virtual meeting and the decision. Likely to be rare but can be mitigated by speedy officer decision.
- Legal Challenge on the basis that officer decision is just a “rubber stamping” exercise. Can be mitigated by being clear that the decision making power rests with officers.

# Potential Risks/Issues

- Legal Challenge on basis that officer does not have the facts. Can be mitigated by officer being present at the virtual meeting or reviewing it afterwards.
- Members are excluded as a result of 6 month rule. There is an argument that a member cannot be excluded for failing to attend a meeting if meetings have not been held. In any event a dispensation can be granted for all members as long as they have attended a Consultative Committee.

## Recommendations

- To delegate to the specified officers as set out in 2.1 and 2.2 of the report.
- To review the arrangements at Annual Council 2022, and
- To grant a dispensation to all Councillors under s85 of the Local Government Act 1972 permitting a period of absence from attending a formal committee until the conclusion of Annual Council 2022 SUBJECT TO the attendance by the Councillor at either a physical meeting of the Council or a virtual meeting of a Consultative Committee or Council within a rolling period of 6 months from the date of the Councillor's last attendance at such a meeting