

Audit & Governance Committee

15 July 2020

Report of the Monitoring Officer

**Amendments to the Constitution by the Monitoring Officer since
23rd March 2020**

Summary

The COVID-19 pandemic and the resulting lockdown from 23rd March 2020, immediately prevented the Council from holding public Member meetings at the Council Offices. In the absence of this crucial decision-making function, it has been necessary for the Monitoring Officer to make essential amendments to the Constitution as detailed within this report. The amendments detailed within this report have all been published on the Council's website.

Background

Urgent Decision-Making Guidance

In accordance with the Constitution, the Council undertakes its business via a range of functions, namely Council meetings (Full Council, Executive and Regulatory committees), Scrutiny meetings, Executive Member Decisions and Officer Decisions.

In response to national advice and guidance in respect of COVID-19, the Council is unable to sustain the above mentioned functions and hence an urgent Scheme of Delegation is required to enable business as usual decision making to still take place safely and as transparently as possible. There also needs to be a mechanism in place which can ensure the Council can make urgent decisions so as to fully protect and meet the best interests of the Council, its staff and residents.

**Publication of Decisions made using the Urgent Decision-Making
Guidance**

In accordance with the provisions of the Council's Constitution, any decisions made using the urgent powers of the Chief Executive / Deputy

Chief Executive shall be reported to the next appropriate and available meeting. Details of the decisions are available to view on the Council's website.

Remote meetings

Prior to publication of the Regulations, all constitutionally prescribed meetings were held in accordance with the provisions of the Local Government Act 1972 which meant that all meetings were to be held with members being physically present with associated rules requiring publication of notices at Council Offices and enabling members of the press and public being able to physically attend to observe and or participate.

The coronavirus outbreak and central government guidance in response has meant that it has been impossible to convene council meetings without a change to legislation. On 4th April 2020, the aforementioned Regulations were issued and these provide for remote meetings with remote attendance and participation for all meetings until 7th May 2021. As such it has been necessary for the Monitoring Officer to draft Standing Orders to facilitate the Council's delivery of remote meetings.

These additional Standing Orders relate to all constitutionally prescribed meetings of the Council and additional guidance has been provided to facilitate the regulatory meetings of Licensing and Planning.

If at some point before 7th May 2021, restrictions are lifted and subject to relevant advice, the Council will remain able to return to meetings whereby Members are physically present.

The Monitoring Officer will ensure the Standing Orders remain under review so as to ensure they remain fit for purpose.

Scrutiny guidance

The Council acknowledges the important role scrutiny has in its decision-making process. However it is recognised both locally, regionally and nationally, that during this critical time maintaining the expected level of scrutiny may not be possible. In its place, selective scrutiny work will focus on the critical issues affecting our residents with a clear intention of supporting the City's recovery.

In respect of the scrutiny function there is a statutory requirement to convene a minimum of one committee. For the City of York, the Customer and Corporate Services Scrutiny Management Committee [hereafter referred to as CCSSMC] satisfies this requirement [Local

Government Act 2000; Article 6 of the constitution]. All other scrutiny committees promoted by the City of York are classed as sub committees of the CCSSMC.

Public Participation

As aforementioned, the Council's Standing Orders have been amended to accommodate the delivery of Remote Meetings. At that time the rules in respect of Public Participation at Council meetings remained unchanged i.e. members of the public were required to register their wish to speak by 5pm on the working day before the meeting. As the delivery of remote meetings has progressed, some meetings have received high volumes of requests from members of the public wishing to register and this has meant that Democratic Services were on occasions contacting members of the public until late in the evening and often on a Friday evening. A review of these procedures has been undertaken and on 22nd June 2020, the Monitoring Officer issued revised guidance which is that all requests from members of the public wishing to speak at a council meeting must be received by 5pm two working days prior to the meeting taking place.

Amendments to Portfolio Responsibilities

On 19th May 2020, the Leader of the Council notified the Monitoring Officer of revisions to the Portfolio responsibilities of the Executive Members and these are detailed in Appendix 1. This replaces the details in Section 3: Responsibility for Functions of the Constitution.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

The Council is currently required to follow the social distancing and other Public Health guidance about working practices at this time.

Equalities

The Council must ensure that its arrangements for remote meetings ensure that council meetings remain transparent and accessible to all who wish to observe or participate.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

The Council will utilise recognised ICT platforms for the delivery of remote meetings and live stream meetings via the existing YouTube channel.

Recommendations

To note the Monitoring Officer's amendments to the Council's Constitution since 23rd March 2020.

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Report Approved:

30/06/2020

Specialist Implications Officer(s):

All

Wards Affected: *List wards or tick box to indicate all*

All

Background Papers:

- Local Government Act 1972
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020
- City Of York Constitution

Appendix:

- Amendments to Portfolio Holder Responsibilities