

**Full Council**

**29 October 2020**

Report of the Monitoring Officer

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

**Summary**

1. The COVID-19 pandemic and the resulting lockdown from 23 March 2020, immediately prevented the Council from holding public Member meetings at the Council Offices. In response, the Government has issued Regulations which have implications on the functions of the Council. As such the Monitoring Officer has had cause to effect necessary amendments to the Council's Constitution which are outlined in this report.
2. Full Council is asked to note the changes made to the Constitution since 23 March 2020, which have previously been reported to the Audit & Governance Committee and have been published on the Council's website.

**Background**

**Urgent Decision Making guidance**

3. On 23 March 2020, the Monitoring Officer issued urgent Decision-Making Guidance (available on the Council's website) to enable the Council to continue to enable decision making and service delivery to continue in the absence of public Member meetings. All decisions made under the Urgent Decision Making Guidance were published on the Council's website.

**Remote Meetings**

4. Prior to publication 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, all constitutionally prescribed meetings were held in accordance with the provisions of the Local Government Act 1972. This 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.

5. 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 4 April 2020, the aforementioned Regulations were issued and these provide for remote meetings with remote attendance and participation for all meetings until 7 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 (available on the Council's website).
6. 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.

### **Public Participation**

7. 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.
8. As the delivery of remote meetings progressed, some meetings 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 22 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.

### **Additions to the Constitution Section 3**

9. The Government has issued legislation and Regulations and associated guidance which have resulted in additional responsibilities and service delivery functions being placed on the Council. As a result this has required amendments to the Council's Constitution by including the legislation detailed below within

Section 3 of Council's Constitution. The list below is in addition the aforementioned remote meetings Regulations. Where necessary, relevant Officer Schemes of Delegation have been amended.

- Health Protection (Coronavirus, Restrictions)(England) Regulations 2020 enacted 26 March 2020
- Health Protection (Coronavirus, Restrictions)(No. 2)(England) Regulations 2020 enacted 4 July 2020
- Business and Planning Act 2020 enacted on 17<sup>th</sup> July 2020
- The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020 enacted on 17<sup>th</sup> September 2020
- The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 enacted 14<sup>th</sup> October 2020  
*\*not previously reported to Audit & Governance Committee*
- The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 enacted 14<sup>th</sup> October 2020  
*\*not previously reported to Audit & Governance Committee*
- The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 enacted 14<sup>th</sup> October 2020  
*\*not previously reported to Audit & Governance Committee*

### **Amendments to Portfolio Responsibilities**

10. On 19 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**

11. Not applicable to this report.

#### **Human Resources (HR)**

12. The Council is required to respond to national public health guidance and associated legislative measures at this time.

#### **Equalities**

13. Not applicable to this report but decisions made under the legislative changes to the Constitution as detailed within this report may be the subject of consideration of equalities implications on a case by case basis.

## **Legal**

14. As detailed within the report.

## **Crime and Disorder, Information Technology and Property**

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

## **Recommendations**

16. To note the Monitoring Officer's amendments to the Council's Constitution.

## **Author & Chief Officer responsible for the report:**

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**Specialist Implications Officer(s): n/a**

**Wards Affected:**

**All**

**For further information please contact the author of the report**

## **Background Papers:**

- City Of York Constitution

## **Appendices**

- Amendments to Portfolio Holder Responsibilities