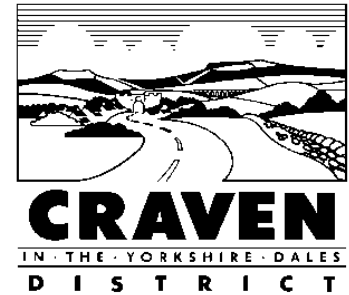


**Council – 25 May 2021**

**Council Decision Making**

**Report of the Chief Executive**

**Lead Member – Leader of the Council,  
Councillor Foster**



**Ward(s) affected: N/a**

**1. Purpose of Report**

1.1 To consider and review options for Council Decision Making in light of the decision by the Ministry of Housing, Communities and Local Government not to extend the regulations that enable virtual meetings to take place on or after 7 May 2021.

**2. Recommendations – Members are recommended to:**

2.1 Note the latest position following the decision by the Ministry of Housing, Communities and Local Government not to extend the regulations that enable virtual meetings to take place on or after 7 May 2021.

2.2 That the Council considers the options set out under section 3.7 of the report and agrees a suitable way forward.

**3. Report**

3.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 enabled Councils to meet virtually. The regulations expired on 7 May 2021.

3.2 Extending the regulations beyond 7 May 2021 required primary legislation. The Government considered the case for legislation and concluded that it was not possible to bring forward emergency legislation on this issue.

3.3 Following this two professional organisations (Lawyers in Local Government and the Association of Democratic Services Officers) jointly commenced legal proceedings seeking a declaration that remote meetings were permitted under the terms of the Local Government Act 1972 itself, with or without the temporary COVID Regulations.

3.4 High Court judges dismissed the legal challenge having ruled that a 'physical presence' was needed for remote meetings under existing legislation. They claimed that 'The decision whether to permit some or all local authority meetings to be conducted remotely... involves difficult policy choices on which there is likely to be a range of competing views.' They concluded that those decisions, 'are for Parliament, not the courts'.

- 3.5 Following the announcement, a spokesperson for the Ministry of Housing, Communities and Local Government said: 'We are grateful for the efforts of councils to ensure meetings could continue remotely over the past year. 'Councils will need to return to face-to-face meetings after 6 May and should continue to prepare accordingly.'
- 3.6 As a result of the announcement by the Ministry of Housing, Communities and Local Government, Craven District Council (CDC) made the following arrangements for Council and Committee meetings to take place face to face:
- Planning Committee on Monday, 17 May 2021 at 1.30pm – Meeting at the Council's Belle Vue Suite.
  - Annual Council on Tuesday, 25 May 2021 at 2.00pm – Meeting at Gargrave Village Hall.
- 3.7 Members of Council are now invited to consider and review options for future Council Decision Making as follows:
- Face to face meetings – Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.
  - Remote meetings with formal decisions taken by the Chief Executive under emergency delegated powers – All decisions to be delegated to the Chief Executive in consultation with a Committee or Lead Member(s). Members to be involved as consultees only.
  - Hybrid meetings – Under the current regulations, Members are not permitted to attend in this way, unless they are observing the meeting only. However, the Council is developing a proposal for hybrid meetings, which enables officers, agents, parish councils, etc. to join a Council or Committee meeting remotely.
- 4. Financial and Value for Money Implications**
- 4.1 No direct financial implications, although there are costs associated with servicing meetings, member and officer attendance.
- 5. Legal Implications**
- 5.1 These are considered within the body of the report.
- 6. Contribution to Council Priorities**
- 6.1 Not applicable.
- 6.2 Impact on the declared Climate Emergency**

A return to face to face meetings increases the requirement for officers and members to travel to meeting venues which impact on carbon emissions.

**7. Risk Management**

7.1 A risk assessment is required for all meeting venues.

**7.2 Chief Finance Officer (s151 Officer) Statement**

No additional comments.

**7.3 Monitoring Officer Statement**

The recommendation set out in the report is lawful and within the powers of the Council.

**8. Equality Impact Analysis**

8.1 Procedure has not been followed. Therefore, neither an Initial Screening nor an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

**9. Consultations with Others**

9.1 Corporate Leadership Team and Leader of the Council.

**10. Background Documents**

10.1 None

**11. Appendices**

None

**12. Author of the Report**

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.