

## **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392**

The Monitoring Officer has an overarching delegation to amend the Constitution in response to a change in legislation. This document outlines the amendments to the Constitution that the Monitoring Officer has made under delegation in respect of the above regulations. The amendments will be in place until 7 May 2021 or until the above regulations are repealed or amended if earlier.

### **1. General Provisions**

1.1 These regulations take precedent over all relevant provisions within the Constitution with effect from 4 April 2020. This includes the Articles, Rules of Procedure and Responsibility for Functions. The regulations are only applicable to virtual meetings meaning that any meetings held 'in person' are subject to the normal constitutional provisions.

### **2. The Annual Meeting**

2.1 The regulations allow Councils to postpone or cancel the Annual Meeting for the 20/21 municipal year. Babergh and Mid Suffolk District Councils have decided to hold Annual Meetings in either August or September 2020.

2.2 All current appointments will continue until the next Annual Meeting, unless altered before then by resignation, casual vacancy in the office of Councillor or on notification by Political Group Leaders (for committee places) in accordance with the existing provisions of the Constitution.

2.3 The appointment of the Leader of the Council and the Members of the Council are not determined by the Annual Meeting, except in the case of the Leader in an election year. Therefore, these appointments are unaffected by postponing the Annual Meeting for 20/21.

### **3. Meeting Attendance**

3.1 Any reference within the constitution to attendance 'in person' will be replaced by: attendance in person or virtually via audio and / or video conferencing. The Councillor must be able to hear what is happening at the meeting and be heard by other participants.

3.2 For the purposes of calculating the '6-month attendance' rule, attendance at a qualifying virtual meeting will be included.

3.3 The Chairman of the meeting will take a roll call at the start of the meeting to confirm attendees and this will be recorded by the Committee Officer or Councillors will be required

to confirm their attendance via electronic means. The normal quorum requirements as set out in the Constitution will apply to virtual meetings.

3.4 A Committee Officer will monitor participants of the virtual meeting in order to quickly identify if a Councillor leaves the meeting. If a Councillor wishes to purposefully leave the meeting, they must notify the Chairman. If a Councillor loses connection during the meeting, the meeting will be temporarily adjourned to enable them to re-join the meeting. If after a short adjournment the Councillor cannot reconnect to the meeting, the Chairman may determine to continue with the meeting provided that quorum is met. If the meeting is inquorate the meeting will be adjourned and all outstanding business deferred to a future meeting.

3.5 A Councillor will not be prevented from voting on an item if they have been disconnected from the virtual meeting due to technical issues for part of the deliberation. If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

#### **4. Access to the Press and Public**

4.1 The public and press will be able to listen in live to all virtual meetings and in most cases a live video stream will also be available. Notice will be given with the publication of the agenda as to how the public and press can access the meeting. A Committee Officer will monitor the public access to the meeting throughout its duration. If the live feed is lost at any point the meeting will be adjourned until access can be restored.

4.2 Any reference in the Constitution to public speaking will be expanded to include virtual participation. The member of the public must be able to hear the business of the meeting and be heard by other participants. Public speaking will only be by prior arrangement with the Committee Officer and the member of the public will be permitted to speak only when invited by the Chairman. At all other times the Committee Officer will 'mute' the member of the public. Any member of the public with a right to speak at a meeting who cannot access the virtual meeting will be permitted to make written representations to the meeting.

4.3 The regulations remove the need to publish and make available hard copy documents at the Council offices. For all purposes of the Constitution, all documents termed as "notice", "summons", "agenda", "report", "written record" and "background papers" will forthwith be:

- (a) "open to inspection" via the website of the council; and
- (b) published and made available on the website of the Authority; and
- (c) issued to Councillors electronically via an email link.

4.4 The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public

and press are disconnected from the meeting. All Councillors participating in the meeting will be asked to verbally declare that there are no other persons present who will be able to hear or observe proceedings.

## **5. Voting**

5.1 Any reference to voting by show of hands within the Constitution will be replaced with either:

- a) the vote will be taken by roll call, in alphabetical order by Councillor surname. Councillors will be required to respond when their name is called with 'for', 'against' or 'abstain', or
- b) the vote will be conducted via an electronic voting method.

The method of voting will be agreed in advance of the meeting by the Chairman of the meeting, the Governance Officer and the (Deputy) Monitoring Officer.

5.2 Only the total number of votes for and against and abstentions will be recorded in the minutes unless a recorded vote is requested in accordance with the Constitution.

## **6. Disclosable Pecuniary Interests**

6.1 All interests must be declared in accordance with normal rules.

6.2 A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

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### Revisions

15.07.2020: Section 2.1 - to include reference to an Annual Meeting in August or September.

Section 3.3 - to include confirming attendance electronically.

Section 4.1 – to include reference to video streaming.

Section 5.1 - to include electronic voting.