

# Public Document Pack

## **EMERGENCY DELEGATED NON EXECUTIVE DECISION**

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

## **South Lakeland District Council Emergency Non-Executive Decision Annual Council Meeting, Appointments for 2020/2021 and the Calendar of Meetings 2020/2021**

Date: 29 <sup>th</sup> April 2020	Reference: 008
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### **Reason for emergency**

It is considered necessary in these circumstances and following consultation with all Party Leaders, all Councillors and the Chairman of the Council.

The decision is required to be taken due to the need to reach a decision on whether to call an Annual Council Meeting, the need to make a decision to roll forward all appointments for a further year and to set the calendar of meetings for 2020/2021. This will ensure that the Council can continue to transact Council business and that the public and press are aware of meetings that will be taking place. It is the case that at the time of writing this report these meetings will be virtual.

### **TYPE OF DECISION**

Council Decision	
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Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. Committee Services will be keeping a record of these decisions.

**Portfolio:** Cllr Morell- Customer and Commercial Services and People

**Report from:** Linda Fisher – Monitoring Officer

**Wards:** All Wards

### **1.0 Expected Outcome**

1.1 It is expected that the decision will be taken and recorded that the Council will not be holding an Annual Meeting this year and that all Council appointments will instead roll forward for another year. It is also anticipated that following consultation the Calendar of Meetings will be established for the year 2020/2021.

### **2.0 Proposed Decision**

2.1 **It is recommended that:**

- (1) the 2020 Annual Meeting is cancelled and that after the Local Elections in 2021 the 2021 Annual Meeting will be held on the 19<sup>th</sup> May 2021;
- (2) the Calendar of Meetings 2020/21 attached is approved;
- (3) subject to approval of (1) above, all appointments from the Annual Meeting 2019 (as updated over the last year) shall continue until the Annual Meeting on 19 May 2021;
- (4) it is agreed in the absence of an Annual Meeting that the annual reports from members appointed to Outside Bodies will be circulated to all members for information; and
- (5) that the Council's Monitoring Officer is authorised to make the following amendment to the Councils Constitution:-

**No requirement to Hold an Annual Meeting**

The requirement to hold an Annual Meeting in 2020 is to be disregarded and, prior to the 7<sup>th</sup> May 2021, an Annual Meeting may only take place:

- (a) Where called by the Chairman, or
- (b) Following a resolution calling an Annual Meeting being passed at an ordinary or extraordinary meeting of Council

The Monitoring Officer is authorised to make such changes as s/he considers necessary or expedient to the Council's Meetings Calendar, including the time, date and location where the meeting is held from time to time.

<b>Review Date:</b>	<b>20<sup>th</sup> September 2020</b>
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### **3.0 Background and Proposals**

- 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 have been made under the Coronavirus Act 2020. The Coronavirus Act 2020 postponed the scheduled local and mayoral elections and Police and Crime Commissioner elections due to take place on 7 May 2020 until 6 May 2021. These regulations enable all local authority meetings to be held remotely, including allowing remote access by members of the public, and they remove the requirement for the annual meeting this year. The regulations are drafted very broadly, applying to different types of local authorities, and to different categories of meetings including annual meetings, cabinet and committee meetings. Local authorities can decide not to hold the legally prescribed annual meeting. Where a local authority does not hold an annual meeting, current appointments will continue until the next annual meeting of the authority or when the local authority determines.
- 3.2 Following the now cancelled local elections for those that were due, holding an Annual Meeting during what would have been the normal 2020/2021 municipal year is now a matter of choice. The meetings Calendar for 2019/2020, approved by Council in May 2019, fixed the date of the Annual Meeting as the 20<sup>th</sup> May 2020. It is considered necessary to make an emergency non-executive decision to change this previous decision in light of the changes in Legislation due to Covid 19.

### **4.0 Consultation**

- 4.1 The Leader and Cabinet Members, Party Leaders and all Councillors and the Leadership Team. All Councillors received the revised draft Calendar of Meetings and the dates were agreed with the Chairs of the Committee. The consultation on the Annual Meeting was carried out by the Leader with the Party Leaders.

## 5.0 Alternative Options

5.1 The decision of whether or when to hold an Annual Meeting in 2020 would usually be called under the auspices of the Council Chairman by the Proper Officer. This option has been considered by the Party Leaders and the Council Chairman and a decision taken that the Council does not continue to hold an Annual Meeting in May 2020.

## 6.0 Links to Council Priorities

6.1 The delivery of the Councils priorities is facilitated by the Council Cabinet and Committee meetings and therefore this report is directly linked to meeting all the Councils priorities.

## 7.0 Implications

### Financial, Resources and Procurement

7.1 The financial implications arising from this report are minimal.

### Human Resources

7.2 There are no Human Resources implications arising from this report.

### Legal

7.3 This report is required to record the Councils decision to cancel the 2020 Annual Meeting.

7.4 The time and place of meetings is determined by the Legal, Governance and Democracy Specialist (Monitoring Officer) and notified in the summons. The Annual Meeting must normally held within 21 days of the date of Local Elections or in non-Election years in April or May under paragraph 1 Schedule 12 Local Government Act 1972. It is considered that an emergency non-executive decision is required to make and record this decision.

7.5 Article 15 of the Councils Constitution provides authority for the Monitoring Officer to make changes to the Constitution due to Legislative changes and it is therefore proposed to add to the Council's constitution to note that the Council is not required to hold an Annual meeting in 2020 and to authorise the Monitoring Officer to change the meetings schedule as necessary to facilitate effective decision-making including deciding the time, date and location of meetings.

### 15.02 Changes to the Constitution

(a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.

(b) **Exceptions.** Textual and factual amendments, including those resulting from changes in legislation, required to keep the Constitution up to date, or consequential amendments as a result of a Council, Cabinet or Committee decision may be implemented by the Monitoring Officer. All Members will be notified of changes made.

### Health, Social, Economic and Environmental

7.4 Have you completed an Health, Social, Economic and Environmental Impact Assessment?  
No

7.5 If you have not completed an Impact Assessment, please explain your reasons: It is not applicable.

### Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Assessment, please explain your reasons: It is not applicable

### Risk

Risk	Consequence	Controls required
The Council is required to make	If the Council does not	The record of decision

Risk	Consequence	Controls required
a decision on whether to call an Annual Meeting, to consider all appointments and to agree the Calendar of meetings.	record a decision or amend its constitution its decisions may be the subject of legal challenge.	following consultation will control this risk.

### Contact Officers

[Linda.Fisher@southlakeland.gov.uk](mailto:Linda.Fisher@southlakeland.gov.uk)

### Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Calendar of Meetings 2020/2021

### Background Documents Available

Name of Background document	Where it is available
Government Advice on Annual Meetings and the postponement of Ordinary Elections in 2020.	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878332/Coronavirus_COVID-19_-_letter_to_councils_about_local_authority_meetings_and_postponement_of_elections.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878332/Coronavirus_COVID-19_-_letter_to_councils_about_local_authority_meetings_and_postponement_of_elections.pdf</a>
The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020	<a href="http://www.legislation.gov.uk/ukxi/2020/392/contents/made">http://www.legislation.gov.uk/ukxi/2020/392/contents/made</a>

### Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	30/04/2020	01/05/2020
Monitoring Officer	Report Author	30/04/2020
CMT Directors	30/04/2020	01/05/2020

Approved by:	Signature and Date
Chief Executive	01/05/2020
In consultation with ( Delete as appropriate)	
The Leader of the Council	01/05/2020
The Chairman of the Council	01/05/2020
The following interests were declared – disclosable pecuniary interest or other or none	None

Page 1 CALENDAR OF MEETINGS UPDATED FOR COVID-19 (including April 2020)

April 2020		May 2020		June 2020		July 2020		August 2020		September 2020		October 2020		November 2020	
W	1 F			1 M	Kendal Town Council - Full Council	1 W	LDNPA - Planning	1 Sa		S	Tu	1 Th		1 Su	
Th	2 Sa			2 Tu	2pm Joint Consultative Panel	2 Th	TICMT	2 Su		W	LDNPA - Planning	2 F	10am LAKE ADMIN - Welfare	2 M	10am LICENSING/LICENSING REG
F	3 Su			3 W	10am CABINET LDNPA - Planning	3 F	10am LAKE ADMIN	3 M	Kendal Town Council - Full Council	3 Th		3 Sa		3 Tu	
Sa	4 M	Kendal Town Council - Full Council		4 Th	TICMT	4 Sa		4 Tu		4 F		4 Su		4 W	LDNPA - Planning
Su	5 Tu			5 F	10am PLANNING	5 Su		5 R	W LDNPA - Planning	5 Sa		5 M		5 Th	TICMT
M	6 W	LDNPA - Planning		6 Sa		6 M	Kendal Town Council - Full Council	6 D	Th	6 Su		6 Tu	6.30pm COUNCIL	6 F	
Tu	7 Ti	6.30pm STANDARDS		7 Su		7 Tr	6.30pm STANDARDS	7 F		7 M	Kendal Town Council - Full Council	7 W	LDNPA - Planning	7 Sa	
W	8 F	Bank Holiday		8 M	10am LICENSING/LICENSING	8 W		8 Sa		8 Tu	10.30am HUMAN RESOURCES	8 Th	TICMT	8 Su	
Th	9 Sa			9 Tu		9 Th		9 Su		9 W	10am CABINET	9 F		9 M	
F	10 Su	BANK HOLIDAY		10 W		10 F		10 M		10 Th	TICMT	10 Sa		10 Tu	10.30am HUMAN RESOURCES
Sa	11 M			11 Th		11 Sa		11 Tu	10am Independent Remuneration Panel	11 F		11 M		11 Th	
Su	12 Tu			12 F		12 Su		12 W	10am Health, Safety & Wellbeing	12 Sa		12 M		12 Th	
M	13 W	BANK HOLIDAY		13 Sa		13 M		13 Tu	TICMT	13 W		13 Th	10.30pm STANDARDS	13 F	
Tu	14 Th			14 Su		14 M	10am Independent Remuneration Panel - Scoping Meeting	14 F	10.30am OVERVIEW & SCRUTINY	14 Sa		14 Su		14 M	
W	15 F	10am Health, Safety & Wellbeing		15 M		15 W		15 Sa		15 Tu		15 Th		15 Su	
Th	16 Sa	10.45am Planning Site Visit 6.30pm AUDIT		16 Tu	10.30am HUMAN RESOURCES	16 Th	TICMT	16 Su		16 W	LDNPA	16 F		16 M	CCC Local Committee
F	17 Su	10.30am OVERVIEW & SCRUTINY		17 W		17 F	10.30am Cllr training - DBS/Inclus 10.30am Overview & Scrutiny End of Summer Term	17 M	10am LICENSING/LICENSING	17 Th	10.45am Planning Site Visit 6.30pm AUDIT	17 Sa		17 Tu	
Sa	18 M			18 Th	TICMT	18 Sa		18 Tu	10am Joint Consultative Panel	18 F		18 M		18 Th	
Su	19 Tu			19 F		19 Su		19 W		19 Sa		19 M		19 Th	10.45am Planning Site Visit
M	20 W	10.5.30pm ANNUAL COUNCIL 10am CABINET		20 Sa		20 M		20 Tu	10.45am Planning Site Visit	20 W		20 Th	10am Independent Remuneration Panel	20 F	
Tu	21 Th	TICMT		21 Su		21 M		21 Tu		21 W		21 Th	LDNPA	21 F	
W	22 F	10am CABINET		22 M		22 W	10am CABINET LDNPA	22 Sa		22 Su		22 M	TICMT	22 Th	10.45am Planning Site Visit
Th	23 Sa	TICMT		23 Tu		23 Th	10.45am Planning Site Visit	23 Su		23 W		23 M	10.30am OVERVIEW & SCRUTINY	23 Tu	
F	24 Su	10.30am OVERVIEW & SCRUTINY		24 W	10am CABINET 10am LDNPA	24 F		24 M		24 Th	TICMT	24 Sa		24 Tu	
Sa	25 M	BANK HOLIDAY		25 Th	10am PLANNING 10am CCC Meeting	25 Sa		25 Tu		25 W		25 Th		25 F	10am CABINET
Su	26 Tu			26 F		26 Su		26 W		26 Sa		26 M		26 Th	TICMT
M	27 W			27 Sa		27 M		27 Tu		27 W		27 Th	10am Joint Consultative Panel	27 F	
Tu	28 Th			28 Su		28 M		28 Tu	10am - PLANNING	28 W		28 Th		28 F	
W	29 F			29 M		29 W		29 Sa		29 Su		29 M		29 Th	
Th	30 Sa			30 Tu		30 Th		30 Su		30 W		30 Th		30 F	

Tu		11	10am PLANNING 8:45am Planning Site Visit 12:30pm Clls Training - Planning Induction	Su		12		13	10am PLANNING	Su	
W		12		M		13		14		Sa	
Th	8am CCC Meeting/AGM	13		Tu	6:30pm COUNCIL	14		15	10am PLANNING 6:30pm Clls Training - Audit Induction 6:30pm AUDIT	Su	
		14		W		15		16		M	
		15		Th		16		17		Sa	
		16		F		17		18		M Bank Holiday	

December 2020		January 2021		February 2021		March 2021		April 2021		May 2021		June 2021		July 2021	
1	Tu	1	F BANK HOLIDAY	1	M Kierulff Town Council - Full Council	1	M Kierulff Town Council - Full Council	1	Th	1	Sa	1	Tu 10am Joint Consultative Panel	1	TI CMT
2	W LDNPA - Planning	2	C Sa	2	Tu	2	Tu	2	F BANK HOLIDAY	2	Su	2	W 10am CABINET	2	F 10am LAKE ADMIN
3	TI CMT 6:30pm AUDIT	3	T Su	3	W 10am CABINET	3	W	3	Sa	3	M BANK HOLIDAY	3	TI CMT 10am PLANNING	3	Sa
4	F	4	M Kierulff Town Council - Full Council	4	Th	4	Th	4	Su	4	Tu	4	F Summer half term ends	4	Su
5	Sa	5	Tu	5	F 10:30am OVERVIEW & SCRUM	5	F	5	M BANK HOLIDAY	5	W	5	Sa	5	M Kierulff Town Council - Full Co
6	Su	6	W	6	Sa	6	Sa	6	E Tu A S T E	6	TI CMT Elections	6	Su	6	Tu
7	M Kierulff Town Council - Full Council	7	Th	7	Su	7	Su	7	R W H C L L	7	F	7	M Kierulff Town Council - Full Council 10am LICENSING/LICENSING REG	7	W
8	Tu	8	F	8	M	8	M	8	D TI CMT A Y	8	Sa	8	Tu	8	Th
9	W 10am CABINET	9	Sa	9	Tu 10:30am HUMAN RESOURCES	9	Tu	9	F 10am LAKE ADMIN - Incident	9	Su	9	W	9	F

10	Th 8:45am Planning Site Visit	10	Su	10	W	10	W	10	Sa	10	M Kierulff Town Council - Full Council	10	Th	10	Sa
11	F	11	M	11	TI CMT	11	TI CMT	11	Su	11	Tu	11	F	11	Su
12	Sa	12	Tu 10am Health, Safety & Wellbeing	12	F	12	F	12	M Kierulff Town Council - Full Council	12	W	12	Sa	12	M
13	Su	13	W	13	Sa	13	Sa	13	E Tu A S T E	13	Th	13	Su	13	Tu
14	M	14	TI CMT CCC - Full Council	14	Su	14	Su	14	R W H C L L	14	F	14	M	14	W
15	Tu 6:30pm COUNCIL	15	F 10:30am OVERVIEW & SCRUM	15	M	15	M	15	D TI CMT A Y	15	Sa	15	Tu 10:30am HUMAN RESOURCES	15	TI CMT 8:45am Planning Site Visit
16	W LDNPA	16	Sa	16	Tu	16	Tu 10am Joint Consultative Panel	16	F	16	Su	16	W	16	F 10:30am OVERVIEW & SCR
17	TI CMT 10am PLANNING	17	Su	17	W	17	W 10am CABINET	17	Sa	17	M	17	TI CMT 8:45am Planning Site Visit	17	Sa
18	F Autumn term ends	18	M 10am LICENSING/LICENSING	18	Tu 8:45am Planning Site Visit	18	Tu 8:45am Planning Site Visit	18	Su	18	Tu	18	F	18	Su



