

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**CONSTITUTIONAL MATTERS**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To report to Council on relevant constitutional matters as detailed in this report.

**2. BACKGROUND INFORMATION**

Remote meetings rules and protocol

- 2.1 Members will recall that The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 ('Regulations') were brought into force following the pandemic to enable, amongst other things, local authorities to hold meetings remotely and to dispense with Annual General Meetings.
- 2.2 To give practical effect to the Regulations and in the absence of an Annual General Meeting, it was necessary to make consequential amendments to the Council's Procedure Rules to facilitate business continuity and develop a remote meetings protocol to govern the conduct of remote meetings, in accordance with sector advice from both Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).
- 2.3 Accordingly these changes were consolidated into Appendix A: Part D Rule 9 – Remote Meetings Procedure Rules (and Remote Meetings Protocol). Advice from both LLG and ADSO is that even though the Regulations have an "automatic amending effect on an authority's existing rules and can be applied immediately" it is nonetheless good practice for these changes to be "adopted formally by the full authority at the first opportunity to do so." This report seeks such approval from Council.

## Cabinet portfolios

- 2.4 Pursuant to the Local Government Act 2000 (as amended) the Leader is responsible for determining the size and composition of the cabinet for the discharge of executive functions, including the content of any cabinet member portfolios.
- 2.5 Under the Constitution the Leader is required to notify the Council at each Annual General Meeting of any changes to cabinet member portfolios so that these can be received and included in the Constitution.
- 2.6 In lieu of this year's Annual General Meeting, this report seeks to acknowledge formally the changes to cabinet member portfolios as detailed in Appendix B as notified by the Leader on 3 July 2020, and for inclusion in the Constitution.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 There are no other substantive options for consideration. Council is required to approve the changes to the Constitution as detailed in this report.

### **4. ANALYSIS OF OPTIONS**

- 4.1 See 3.1 above.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

- 5.1 There are no direct resource implications associated with consideration of this report.

### **6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

- 6.1 There are no other relevant implications.

### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

- 7.1 An Integrated Impact Assessment is not required for this report.

### **8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

- 8.1 Both Group Leaders and Group Secretaries were briefed on the contents of the protocol at Appendix A, prior to implementation and it being circulated to all members and placed on the Council's website on 1 May 2020.

- 8.2 The revised cabinet member portfolios at Appendix B were circulated to all members and placed on the Council's website on 3 July 2020.
- 8.3 No conflicts of interest have been identified or declared.

**9. RECOMMENDATIONS**

- 9.1 That Council notes and approves the contents of this report.
- 9.2 That Council approves the Constitution [https://m.northlincs.gov.uk/Public/democratic\\_services/NLC%20Constitution.pdf](https://m.northlincs.gov.uk/Public/democratic_services/NLC%20Constitution.pdf) as amended as detailed in this report.

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**Background Papers used in the preparation of this report**

LLG and ADSO briefing 17 April 2020  
Constitution  
[https://m.northlincs.gov.uk/Public/democratic\\_services/NLC%20Constitution.pdf](https://m.northlincs.gov.uk/Public/democratic_services/NLC%20Constitution.pdf)

## PART D RULE 9 – REMOTE MEETINGS PROCEDURE RULES (AND REMOTE MEETINGS PROTOCOL).

### D9.01 INTRODUCTION AND APPLICATION

- (a) The Procedure Rules (and accompanying protocol in appendix A) provide the means and guidance for the conduct of any remote meeting of the Council, and its Cabinet (executive) meetings, Committees, Sub-Committees and Panels, held under the provisions 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](#)
- (b) The Procedure Rules (and accompanying protocol) should be read in conjunction with the council's related Procedure Rules within the Constitution. The above Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the council governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

### D9.02 NO REQUIREMENT TO HOLD AN ANNUAL MEETING

- (a) The requirement to hold an Annual Meeting (see Procedure Rule D1.03(a) ) shall be disregarded and, prior to 7 May 2021, an Annual Meeting may only take place:
  - (i) when called by the Mayor with the agreement of the Director: Governance and Partnerships, following consultation with Group Secretaries, or
  - (ii) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

(Note: Applies to Council Procedure Rule D1.03)

### D9.03 NOTICE OF MEETINGS AND ACCESS TO INFORMATION

- (a) The Director: Governance and Partnerships shall give five clear working days' notice to the public of the time of the meeting, and the associated agenda papers, together with details of how to observe/ the meeting, which will be available on the council's website.

- (b) Members of the meetings in D9.01(a) above shall be notified of a remote meeting by email and all agenda papers will be made available via electronic means/software as appropriate, at least five clear working days before the meeting.
- (c) The 'place' at which the meeting is held, or to be held is interpreted as including reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone, or a number of these combined.
- (d) For all purposes (of the Constitution), the terms 'notice', 'summons', 'agenda', 'report', 'written record' and 'background papers' when referred to being a document that is:
  - (i) 'open to inspection' shall include for these and all other purposes as being published on the council's website, and
  - (ii) to be published, posted or made available at offices of the council, shall include publication on the council's website.

(Note: Applies to Council Procedure Rule D1.09 and relevant Access to Information Rules)

#### **D9.04 REMOTE ACCESS TO MEETINGS**

- (a) For all purposes (of the Constitution), the term 'meeting' is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
  - (i) 'place' is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone number, or a number of these combined: and
  - (ii) 'open to the public' includes access to the meeting being through remote means including (but not limited to) video/audio conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- (b) If the Chair of the meeting is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision (and this is validated), then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date arranged by the Chair. If he or she does not arrange a date, the remaining business will be considered at the next ordinary meeting.

- (c) Public access to the meeting by remote means, as described above, is different from the 'public attending to exercise a right (on invitation) to speak' – this public participation in the meeting is addressed in paragraph D9.05 below. Public access, including that of the press, is to observe, and or listen to the proceedings of the meeting by remote means as defined in (a) and (b) above.

(Note: Applies to Council Procedure Rule D1.08 and D1.09 and relevant Access to Information Rules)

## **D9.05 MEMBERS IN REMOTE ATTENDANCE**

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise an opportunity or a right to speak at the meeting; and
  - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. (for example, a remote connection failure). In such circumstance the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a reasonable short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
  - (ii) count the number of Members in attendance for the purposes of the quorum (The normal quorum requirements for meetings as set out in the council's Constitution will also apply to a remote meeting); or
  - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance (providing that the meeting remains quorate and the public are able to hear proceedings).

- (c) If a remote Member(s) is able to successfully re-join the meeting, for example a connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- (d) If for example, a connection to a remote Member 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 (if quorate) but the remote Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.
- (e) The attendance of members at the meeting will be recorded by the Democratic Services Officer. (This includes those who have notified and/or have been noted by the Democratic Services Officer as attending under the provisions of Council Procedure Rule D1.37b, or as a ward member)

(Note: Applies to Council Procedure Rule D1.11 and D1.37 (b))

#### **D9.06 REMOTE ATTENDANCE AT MEETINGS (PARTICIPATION) BY MEMBERS OF THE PUBLIC**

- (a) A member of the public entitled to attend the meeting in order to exercise a right (or invitation) to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
  - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right (or invitation) to speak at the meeting; and
  - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in paragraph (a) above are not met. In such circumstance, the Chair may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in (a) above to be re-established;
  - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
  - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.
- (c) If a member of the public has given previous required notice (through meetings' procedure rules within the council's Constitution) to attend remotely and has not remotely accessed or joined the meeting by the start of the relevant item or specified time, and has made no attempt beforehand to contact the Democratic Services Officer, then the Chair in such circumstances will consider as deemed reasonably appropriate, whether to proceed without them or defer the relevant item of business.
- (d) The Democratic Services Officer or meeting facilitator should be able to mute the member of the public once they have spoken, and if required remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- (e) If notice is given by the council of any technological remote access (participation) failure, which cannot be resolved prior to a scheduled remote meetings, then the council may request that public participation, speaking rights (or invitation) can be made by receipt of written representations. The chair or Democratic Services Officer will then read out submissions received from the public at the meeting.

#### **D9.07 REMOTE MEETING PROCEDURE AND PROTOCOL**

- (a) The council will put in place a technological platform to facilitate and enable members, officers and the public to participate and access meetings defined in paragraph D9.01 above. Democratic Services Officer(s), as supported where necessary by IT officers, shall facilitate the use of the technological platform for remote access and the administration of meetings including public and Member interaction and engagement on the instruction of the Chair, and in accordance with these and other procedure rules within the Constitution and the '**Remote Meetings Protocol**' appended to these procedure rules.
- (b) The Chair of remote meetings will apply these, other related procedure rules set out in the Constitution and the Remote Meeting Protocol.

Accordingly, the chair's ruling following any advice received from officers will be final.

- (c) Members, officers and members of the public shall adhere to the required etiquette during attendance at remote meetings, as set out in the Remote Meetings Protocol.

**(Note: Applies to Council Procedure Rule D1.14 (k) and any scheme for public participation in respect planning, licensing and other committees).**

## **D9.08 REMOTE VOTING**

- (a) When the Chair of a remote meeting is satisfied an adopted procedure is complete or that there has been sufficient debate, and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed, the Chair will progress to making a decision. Unless a recorded vote is demanded, (in accordance with procedure rule D1.22) the Chair will take the vote:
  - (i) by use of the electronic voting system for remote voting or where an electronic voting system is not working correctly or unavailable;
  - (ii) by the affirmation of the meeting if there is no dissent (by assent);  
or
  - (iii) the Chair will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded. The Democratic Services Officer will confirm and read out the result of the vote, and the chair will move on the next item.

**(Note: Applies to Council Procedure Rule D1.22)**

## **D9.09 DECLARATIONS OF INTEREST – MEMBERS EXCLUDED FROM THE MEETING**

- (a) Where a Member is participating in a remote meeting and declares a disclosable pecuniary interest or personal and prejudicial interest, in any item of business they are required to leave the meeting. The means of remote attendance is to be severed by the member(s) by turning off their camera and muting their microphone whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate. Their departure will be confirmed by the Democratic Services Officer(s) if required. The member(s) will be invited to re-join the meeting at the appropriate time.

**(Note: Applies to Council Procedure Rule D1. 28 and the relevant paragraphs of the Council's Code of Conduct under the Localism Act 2011.**

## **D9.10 EXCLUSION OF THE PRESS AND PUBLIC AT REMOTE MEETINGS**

- (a) The Democratic Services Officer(s) shall where the technology is available, ensure that there are no members of the public in remote attendance or remotely accessing the meeting to hear or see the proceedings after a resolution has been taken by members of the meeting in public to exclude the press and public so that confidential, or 'exempt' business (as defined in Schedule 12A (as amended) of the Local Government Act 1972) can be considered.
- (b) Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.
- (c) Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled, could be in breach of the Members' Code of Conduct.
- (d) Where technology may not be available, the members of the remote meeting shall take the required resolution to exclude the press and public in public, and then the chair shall adjourn the meeting. The chair will then invite members to reconvene the meeting 'in private' through a separate remote invitation issued by the Democratic Services Officer(s).

## **D9.11 ADDITIONAL AMENDMENTS: The following Council Procedure Rules will be interpreted as follows:**

- (a) **COUNCIL PROCEDURE RULE D1.35 (b).**

Members of the public exercising speaking rights under paragraphs (iv) and (vii) of the above Rules shall be limited to 3 minutes per speaker.

Members of the public exercising speaking rights under paragraphs (vi) and (vii) shall be limited to three speaking in support of a major development and three in objection to, limited to 3 minutes per speaker subject to the existing discretion afforded to the Chair over such matters.

Members of the Council exercising speaking rights under paragraph (x) shall be limited to 3 minutes per agenda item.

- (b) **COUNCIL PROCEDURE RULE D1.37 (b)**

Any member of the Council present at a meeting of the Planning Committee under this rule and who is invited to speak shall be limited to 3 minutes per agenda item.

(c) **COUNCIL PROCEDURE RULE D1.33 (d) AND ITS EQUIVALENT RULE FOR EXECUTIVE DECISION MAKING.**

The requirement for the Director: Governance and Partnerships or their nominated representative to be present at all meetings of the Council, Committees, Sub-committees and Cabinet and in relation to portfolio holder decision making, shall be interpreted as virtual presence within the context 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.

(d) **COUNCIL PROCEDURE RULE D1 .31 (f)**

Where the office of Chairman or Vice Chairman remains or becomes vacant on any Committee during the municipal year 2020/21, that Committee may appoint any member to fill such vacancy for the remainder of such municipal year and such appointment shall be reported, where practicable, to the next meeting of Council.

(e) **COUNCIL POCEDURE RULE D1. 31 (e)**

Every vacancy on any Committee shall be filled by nomination from the relevant political group in accordance with the political balance requirements and notified to the Director: Governance and Partnerships who shall report the same to the next available meeting of Council.

## **D9.12 APPENDIX - REMOTE MEETING PROTOCOL**

### **Introduction**

The protocol provides guidance on the application of the 'Remote Meetings Procedure Rules' and for preparing and managing remote meetings accordingly. It also provides essential 'meetings etiquette' to be adopted by those participating in remote meetings. These can be adapted to suit the different requirements and functions of meetings, but the principles of which should remain similar and be adhered to.

### **1. Remote Meeting Preparation.**

- (a) In accordance with statutory timescales (at least five clear working day's) notice will be given by email/electronic invitation to members (and officers) of the date and time of the remote meeting. This notice will also identify the electronic platform the remote meeting will be held on (Microsoft Teams). It should also identify how to, or provide a link to 'join the meeting' which should be saved in the participants electronic calendar for access, and any other information relating to arrangements/instructions/etiquette for the remote meeting (see paragraph 2 below).

Similarly, the above information should be provided to any external participants (outside of the council) who will be attending the remote meeting, together with any other information/instructions/etiquette for remote meetings. (This may also include browser and Microsoft Teams app requirements to access the meeting).

- (b) In accordance with statutory timescales (at least five clear working day's) an electronic version of the agenda and all accompanying reports to be considered at the remote meeting will be circulated to all members and officers (and where applicable external participants). These will then also be published where appropriate (not where confidential/exempt) on the council's website. (The agenda will identify whether all or part of the meeting is likely be held in public, whether there is likely to be exempt business or not, and consequently, consideration should be given to IT Services disconnecting the 'public access' link to the meeting on the website at the required time, or whether to send a further remote meetings invitation to members so only they (and relevant officers) can gain access to the 'confidential/exempt' part of the remote meeting).
- (c) If the remote meeting is to be held in public (some licensing hearings, employment and admission/exclusion appeals are not) the 'public access link' should be created and set up as soon as practicable alongside the details of the remote meeting on the appropriate pages of the council's website (with any instructions on how to access the meeting). This provides the requirement to observe/listen to the remote meeting.
- (d) All member substitute notices shall be given as early as possible (at least 24 hours) before the meeting to enable substitute members to prepare for and to receive the invitation to join the meeting. Any other members attending the remote meeting under procedure rule D1.37b and/or Ward members for the Planning Committee for example, should also inform the relevant Democratic Services Officer by email of their intention to join the meeting as early as possible (at least 24 hours before). These members will require the meetings invitation so that they can attend/participate in the meeting. (Members may still wish to observe/listen to the meeting through the 'public access link' on the council's website but this *will not* be recorded as attending the meeting under the D1.37b procedure rule).
- (e) If any Members and officers invited to attend the meeting have any concerns or issues about joining/aspects of the meeting, they should contact the relevant Democratic Services Officer at least 48 hours before the meeting as usual.

## **2. Remote Meetings Etiquette**

- (a) Members and officers (and external participants) should be and are asked to adhere to the following etiquette during remote attendance at a remote meeting:
  - Members and officers should join the meeting promptly no later than ten minutes before the start to allow themselves and the meetings facilitator -

Democratic Services Officer(s) the opportunity to test equipment, confirm attendance and to avoid any unnecessary interruptions. (External participants should be invited to join the meeting by the facilitator/Democratic Services Officer(s) when appropriate – Please see paragraph 5 below.

- Any camera (video-feed) of a participant should show an appropriate/neutral background (or, where possible a virtual background) and all should be careful not to allow exempt or confidential papers to be seen.
- All the committee, sub-committee or panel members participating in the remote meeting to have their camera turned ON and microphones muted by the start of the meeting.
- All other members, officers and participants to have their camera OFF and microphones muted by the start of the meeting.
- All members, officers and participants are to speak only when invited to do so by the chair, and before speaking, turn their microphones on, (and their camera on if not already on, and if so asked by the chair) – all should state their name before speaking.
- Only one person may speak at any one time.
- The chair may also mute everyone speaking except himself or herself at any time.
- Rather than raising one's hand Members should also avail themselves of the remote process for requesting to be heard. Members should use the 'chat facility' to indicate to the chair that they wish to speak. The chair may also ask each member in turn if they wish to speak or/comment on a particular item. Members will unmute their microphone and turn their cameras on when the Chair invites them to speak. **The 'chat facility' must not be used for private conversations** between members, and external participants shall not use the chat facility for members of the meeting for any purpose unless invited by the chair.
- The Chair will follow the rules set out in the Council's Constitution Procedure Rules when determining who may speak, as well as the order and priority of speakers and the content and length of any speeches in the normal way.
- When participants are speaking and referring to a specific report, page, or slide, they should mention the report, page, or slide so that all members/participants have a clear understanding of what is being discussed at all times.
- The chair, or upon his instruction the Democratic Services Officer(s) may mute or turn off the camera of any participant at any time (and similarly turn them on for them to speak and then to switch them off afterwards).
- The chair, in accordance with relevant procedure rules, may remove anyone from the meeting for inappropriate behaviour.
- The chair following advice, or upon his instruction the Democratic Services Officer(s) with IT support, may pause (adjourn) the meeting by taking down the live stream from 'public access' and then reconvene and resume the live stream. (this is likely to be required for confidential/exempt business or any other required adjournment).

- The chair's ruling on any etiquette for remote meetings (in accordance with related procedure rules) is final.

### **3. The Remote Meeting.**

- (a) The Democratic Services Officer(s) shall confirm with the IT Support Officer that the 'public access' live link on the website is activated and working before the remote meeting, together with any recording facility (for internal administrative requirements only).
- (b) The Democratic Services Officer(s) and chair should liaise with each other at least 20 minutes before the start of the remote meeting to confirm/discuss any matters before joining the meeting at least ten minutes before.
- (c) If any IT connection to the remote meeting is not working for any member, officer and external participant they should email/contact the Democratic Services Officer(s) presenting the meeting as soon as possible.
- (d) The chair (or appointed chair) of the remote meeting will chair the meeting. The chair will follow the agenda previously circulated and applying speaking and voting procedures below. The Democratic Services Officer(s) (and any other relevant officer) present may also set up a private chat facility with the chair (through Skype for example) to advise on any business/matter during the remote meeting.
- (e) The chair at the start of the meeting will introduce themselves and welcome everyone to the meeting (naming it). The chair will remind/confirm the remote meeting is live to the public through an audio web link (or not if applicable). They should also update the meeting on any matter if so required and remind participants of any etiquette requirements.
- (f) The chair will then -
  - (i) Request the Democratic Services Officer to inform the meeting of any substitute members joining the meeting.
  - (ii) Request members to confirm that they are present by asking them to state they are through a 'roll call' carried out by the Democratic Services Officer. (This may also include members who have given notice of attendance under Procedure Rule D1.37b or as Ward Members. (Officers may also be invited to confirm their attendance).
  - (iii) Request all members in attendance to make any Declarations of Disclosable Pecuniary Interests and Personal and Personal and Prejudicial interests (or lobbying or whipping etc.) through a further 'roll call' by the Democratic Services Officer. (If members have none, they should state none, and also because of the nature of their declaration, state that they will not be participating or voting on a particular item).

(Members are reminded that if they are required through any declaration to 'leave' the remote meeting that before that item commences they should mute their microphone, turn their camera off

and play no part in the remote meeting for that item. The Democratic Services Officer(s) if required will notify the member when they can re-join the remote meeting.

- (iv) Request that the minutes of the previous meeting(s) be approved, further requesting each member in turn if they are agreed. (The chair may move this and then request a seconder).
- (v) Take each item on the agenda in order (or follow any hearing procedure for example, for licensing sub-committees) inviting the relevant Director/service officer present to introduce the report or update the meeting on any matters on the report.

*(Please see paragraph 5 below for public participation at the Planning Committee (to be adapted for remote meetings of Licensing Sub-Committees, and for other remote meetings involving public participants as required).*

- (vi) Request all members in turn to ask any questions/comments on the report, which will be answered by the Director/service officer present. (If members have none, they should state none).
- (vii) Upon any request received, consider and invite any other member in attendance under the provisions of 1.37b to speak at the remote meeting *(this is at the chair's discretion.)*
- (viii) As soon as the above is completed, the chair will ask all members present whether there are any proposed motions or amendments to the officer's recommendations/report. If any, these will be stated clearly by the named mover, and then seconded by a named seconder. If not, the chair can move the officer recommendations and ask for them to be seconded.

The chair will then proceed to the vote on the item, requesting the Democratic Services Officer through a further roll call as to how each member is voting, whether for, against or abstaining.(motions and amendments will be voted on in accordance with usual voting procedures). Once the vote is completed, the Democratic Services Officer will confirm/announce the result of the vote. *(The chair and Democratic Services Officer will have to be aware of any earlier declarations made by member who may not be participating in any vote).*

- (ix) The chair will then move on to the next item on the agenda and apply the above stages (v) to (viii).
- (x) Once all business on the agenda has been completed, the chair will confirm that the business is concluded, the meeting is closed and thank all those present for joining the meeting.
- (xi) Where the remote meeting has to consider confidential/exempt business, the usual resolution to exclude the press and public will need to be made in public. Then, if applicable, IT Services can disconnect the 'public access' link to the meeting on the website at

the required time, or the meeting can be adjourned and then members (and relevant officers) access the further remote invitation already sent, so only they (and relevant officers) can gain access to the 'confidential' part of the remote meeting).

The Democratic Services Officer(s) will confirm through the chair, what action will be taken.

- (xii) Each Member in remote attendance for exempt/confidential business must ensure and verbally declare (through another Democratic Services Officer roll call on the instruction of the chair) that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

#### **4. After the Meeting**

- (a) Minutes of the meeting will be prepared by the Democratic Services Officer in the usual way and be published on the relevant pages of the council's website.
- (b) The IT Support Officer will provide the Democratic Services Officer with the recording of the remote meeting (for internal administrative purposes only).

#### **5. Public Participation at Remote Meetings of the Planning Committee (to be adapted for remote meetings of Licensing Sub-Committees, and for other remote meetings involving public participants as required).**

- (a) Members of the public who have contact Democratic Services 48hours before the meeting in the usual way and requested to speak in accordance with procedure rule D1.35 (Planning Committee –public speaking), should be informed at that time that the meeting is a remote meeting. They should be informed that public participation is through Microsoft Teams and receive instructions how they will prepare for and join the meeting through an 'email invitation link' to speak, together with any other processes/timings. This should include any browser and Microsoft Teams requirements, and associated remote meetings etiquette. (Speaker adjustments must be monitored as only those listed to speak will be allowed to participate in the remote meeting).
- (b) Two Democratic Services Officers will facilitate the remote meeting, one as the 'public participation facilitator' and the other as the more 'clerk/advisor' to the meeting and supporting the chair. IT Support will also be required as outlined in paragraph 3(a) above.

- (c) On the day of the meeting public participants/speakers will have been requested to join the meeting half an hour to 15 minutes before the meeting. Only those speakers who provide the correct name matched against the list of speakers held by Democratic Services Officer/'public participation officer' will be allowed to participate in the meeting. Eligible speakers will be held in the Microsoft Teams 'lobby' until allowed to join the meeting by the Democratic Services Officer/'public participation facilitator'.
- (d) Public participants/speakers having joined the meeting should apply the required meetings etiquette (mute microphones and switch off cameras) until asked to speak by the chair. Public participants/speakers should also be able to observe/listen to the meeting even after having spoken, until they leave the remote meeting. Once they have left the meeting they will not be able to re-join the remote meeting (unless asked to do so for any required reason by the chair).
- (e) If any public participant/speaker is unable to join the meeting due to connection difficulties procedure D9.06(b) should be considered and applied by the chair.
- (f) The Democratic Services Officer(s) (and any other relevant officer) present may set up a 'private' chat facility with each other and the chair (for example through Skype) to advise on any speaker issues/business/matter during the remote meeting.
- (g) The remote meeting should then follow the above paragraphs 3(a) to 3f(iv) above.
- (h) From thereon the following adjustments should be applied;

### **Planning Committee-**

Paragraph 3 above should be followed until 3f (iv) where the following should be replace 3f(v) to (xi), with any appropriate adaptations -

The chair will then:-

- (v) Take each item/application on the agenda in order and where applicable, inviting the relevant Director/service officer(s) present to introduce the report or update the meeting on any matters on the report.
- (vi) At the point in the meeting where public speakers are invited to speak the chair will welcome the public speakers to the meeting and inform them that they will be able to address the meeting for no longer than 3 minutes. The chair from the public speakers list (as advised by the Democratic Services Officers) request the relevant speakers in turn to turn on their microphone/camera and address the committee. The chair will inform the speakers when the 3 minutes has finished and thank them for joining the meeting. (The speakers will still be able to listen to the debate and decision on the relevant application, but have no right to reply).

Any members who are then invited by the chair to exercise speaking rights (as Ward members for example) are also limited to 3 minutes whether speaking under Procedure Rules D1.35 (b) (x) or D1.37 (b). When requested by the chair they should turn on their cameras and microphones and address the committee.

The Democratic Services Officer/'public participation facilitator' will monitor the speakers use of the microphones/cameras and adjust where applicable (following any instruction by the chair) so that they can/cannot be heard or seen.

- (vii) Request all members in turn to ask any questions on the report, which will be answered by the Director/service officer(s) present. (If members have none, they should state none).
- (viii) As soon as the above is completed, the chair will ask all members present whether there are any proposed motions or amendments to the officer's recommendations/report. If any, these will be stated clearly by the named mover, and then seconded by a named seconder.
- (ix) The chair will then proceed to the vote on the item, requesting the Democratic Services Officer/'clerk/advisor' through a further roll call as to how each member is voting, whether for, against or abstaining.(motions and amendments will be voted on in accordance with usual voting procedures). Once the vote is completed, the Democratic Services Officer will confirm/announce the result of the vote. *(The chair and Democratic Services Officer(s) will have to be aware of any earlier declarations made by member who may not be participating in any vote).*
- (x) The chair will then move on to the next item on the agenda and apply the above stages (v) to (viii) again, where applicable.
- (xi) Once all business on the agenda has been completed, the chair will confirm that the business is concluded, the meeting is closed and thank all those present for joining the meeting.

### **Licensing Sub-Committees**

- (i) For the above sub-committees (which are quasi-judicial bodies) the above paragraphs should be applied and adapted where applicable. However, notice will have been received from applicants/licence holders and other parties of their request to speak in accordance with statutory or licensing policy provisions. Their 'right to speak' and participate in such remote meetings should also be facilitated through Microsoft Teams and information and instructions how to do so be given in a similar way to above.
- (k) For Licensing Sub-Committee remote meetings, the adopted 'hearings procedures' will be applied for applicants/licence holders relevant to the Licensing (Activities) Sub-Committee and Licensing (Miscellaneous) Sub-Committee.

- (l) Consideration should be given as to whether or not the whole of the hearing/remote meeting will be conducted in public or not and apply or remove any 'public access' requirements on the council's website. (Similar consideration should be given to any required adjournments of the hearing/remote meeting for sub-committee deliberations, how this should be done, and any necessary provisions to continue or pause any 'live public access link').

**Public Participants at other Remote Meetings**

- (m) The above paragraphs should be applied, adapted and their principles implemented for other statutory remote meetings where public participants may be required to attend. Also, the associated requirement for 'public access' to remote meetings through the 'live link' on the council's website should be considered at all times.
  
- (n) This protocol as part of the 'Remote Meetings Procedure Rules' shall be reviewed regularly as experience of remote meetings is developed and other associated requirements so determine any necessary adjustments.

**C1.03 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS: CABINET**

- (i) The Cabinet consists of nine members of the council. All functions, which are neither regulatory nor reserved to council, are functions to be exercised by the Executive. The Cabinet collectively will exercise the following functions:
  - (a) To consider matters relating to the major plans, strategies and policies of the council, including leading on the preparation of the council's policy framework.
  - (b) To provide leadership in the promotion and improvement of the area's economic, social and environmental well-being.
  - (c) To encourage fair and appropriate levels of community engagement and consultation in all aspects of the council's business.
  - (d) To identify issues to which the council should attach priority and ensure that those priorities are given proper effect.
  - (e) To recommend budgetary frameworks and processes that support the council's priorities, plans, strategies and policies.
  - (f) To lead on budget and performance monitoring across the whole range of council activities.
  - (g) To review key areas of the council's performance, drawing on internal and external sources.
  - (h) To provide the council's representation on major partnership bodies.
  - (i) To provide a focus for national, regional and sub-regional networking.
  - (j) To clarify the council's position on issues of importance through appropriate internal and external communications.
  - (k) To receive Scrutiny Panel reports and if thought appropriate act upon the recommendations.
  - (l) To review the effectiveness of elected members in the different roles required under local government modernisation.
  - (m) To respond to issues raised by the council's Chief Executive in terms of the structure, culture and general well-being of the organisation.
  - (n) To ensure that appropriate decision-making arrangements are in place and maintain their effectiveness.

- (ii) Individual cabinet members have delegated responsibility for the functions detailed in their portfolios and may delegate such functions to officers.
- (ii) Notwithstanding that an item may have been delegated to a Member of the Cabinet or an officer, an officer may refer a decision which has been delegated to him/her to the relevant Cabinet Member and a Cabinet Member may refer a matter which has been delegated to him/her to the Full Cabinet for decision.

## DELEGATED DECISION MAKING FOR CABINET MEMBER PORTFOLIO HOLDERS

- (a) Decisions will be taken either by all the members of the Cabinet as collective majority decisions or by individual cabinet member portfolio holders at formal scheduled briefings.
- (b) Cabinet member portfolios are decided by the Leader and are as set out below. Specific delegated powers have been given to individual Cabinet Members who may make decisions within their areas of responsibility (Portfolios). As with Cabinet Decisions there are specific legal requirements that must be observed in order to ensure that any decisions made are open and transparent.
- (c) The contents of each service theme within portfolios shall be interpreted broadly and any activity or function not specifically referred to is deemed to be included within the portfolio theme to which it most closely relates. In the event of uncertainty, the Leader of the Council, after consultation with the Cabinet, where appropriate, will arrange for the discharge of the function in question either by the Cabinet or cabinet member portfolio holder or by an officer.
- (d) If a cabinet member is not able to make a decision in respect of an item that is delegated to him/her the Leader or in his/her absence the Deputy Leader may exercise the delegation or further delegate that decision to another cabinet member.
- (e) Pursuant to the relevant strategic and functional areas of responsibility, cabinet members are delegated the following general decision making powers, in addition to any other specific delegations detailed in their portfolio:
  - (i) To approve modifications to existing policies, strategies or plans
  - (ii) To approve statutory notices for consultation purposes
  - (iii) To make recommendations to Cabinet in respect of the outcomes of consultation relating to the council's policy framework
  - (iv) To monitor service delivery, performance and budgets and determine proposals for alternative service delivery and approve associated budget virements that are £350k or more
  - (v) To write off stock with a value over £10k
  - (vi) To receive and determine action in response to qualifying petitions received under the petition scheme
  - (vii) To authorise grant funding and approve procurement and contractual matters for the portfolio area pursuant to the council's Financial

Regulations, Contract Procedure Rules and Standing Orders (approve procurements where whole life contract is over £1m)

- (viii) To take such other executive decisions arising from the functions and responsibilities of the portfolio, save as provided otherwise in the Constitution

## **LEADER OF THE COUNCIL - PLACE SHAPING & CONNECTIVITY PORTFOLIO**

- (a) The Leader is responsible for providing overall political leadership for the council in relation to the co-ordination and delivery of council policies, strategies and services.
- (b) The Leader is responsible for leading the cabinet in its work to deliver the policy framework and to deliver services to the local community.
- (c) The Leader will chair the Cabinet.
- (d) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Lead on financial strategy and medium term financial plan
  - (ii) Community and Place Leadership
  - (iii) Promotion of North Lincolnshire as the best place to live, work, visit and invest
  - (iv) Representation at national, regional and sub-regional level
  - (v) Devolution and other regional growth initiatives and partnerships
  - (vi) Promotion of Diversity within the Council and North Lincolnshire
  - (vii) Ambassador for Place partnerships with business and business representatives
  - (viii) Public Sector Place and system transformation
  - (ix) Economic Growth
  - (x) Economy Recovery Post Covid-19
  - (xi) Highways and Local Transport Plan
  - (xii) Digital Agenda
  - (xiii) Strategic Lead for Broadband and Mobile Connectivity Development
- (e) Additional specific delegated decision making powers to:
  - (i) Appoint the Deputy Leader and cabinet members
  - (ii) Determine which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions (portfolios)

- (iii) Determine the agenda for meetings of the Executive
- (iv) Approve the Annual Governance Statement as recommended by the Audit Committee
- (v) Take any decision which in his or her opinion requires to be taken during the period of the recess and falls within the delegated powers of the Cabinet but before doing so shall consult the chair and vice chairman of the relevant scrutiny panel

## DEPUTY LEADER - ADULTS & HEALTH PORTFOLIO

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) To undertake responsibilities of the Leader in his absence and deputise for the Leader as required
  - (ii) To be the vice-chair of Cabinet
  - (iii) Strategic Lead for Health and Social care integration
  - (iv) Adult Social Care (as defined in the Care Act, Mental Health Act and Mental Capacity Act)
  - (v) Social Work Professional Standards (Adults) and Adult Safeguarding
  - (vi) Integrated Health and Social Care Commissioning
  - (vii) Promote sufficient, high quality and sustainable care market
  - (viii) Champion vulnerable adults and carers across the Health and Wellbeing Board partnerships and the NHS
  - (ix) Promote the improvement in health and wellbeing outcomes across North Lincolnshire
  - (x) Public Health Statutory Commissioned Services (e.g. sexual health, substance misuse)
  - (xi) Vulnerable Adult Engagement, Advocacy and Complaints
  - (xii) Housing sufficiency to meet needs of vulnerable adults
  - (xiii) Public Health Improvement and promotion (e.g. healthy lifestyles, making every contact count, suicide prevention)
  - (xiv) Strategic lead Housing Advice and Homelessness Prevention
  - (xv) Emergency Planning and Civil Contingencies
  - (xvi) Public Health Protection functions including outbreak planning and control (including Covid-19)
  - (xvii) Shared Services Lead (Joint Committee)
  - (xviii) Organisational Development (including post Covid-19)
  - (xix) Human Resources

- (xx) Workforce Development
  - (xxi) Organisational Health and Safety
  - (xxii) Ensure all council policies support Public Health priorities
- (b) Additional specific delegated decision powers to:
- (i) Approve Statements of Purpose for North Lincolnshire Council Care Quality Commission regulated provision
  - (ii) Receive Annual reports in respect of Statutory Complaints

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR CHILDREN & FAMILIES**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Statutory Lead Member for Children's Services and all related responsibilities under section 19 of the Children Act 2004
  - (ii) Strategic local leadership and development of the education and children's services sector including housing for Care leavers and homeless prevention for young people
  - (iii) Champion across North Lincolnshire to drive for high educational standards for all children and young people, and in particular for the most disadvantaged groups
  - (iv) Children's social care, including Adoption and Fostering
  - (v) Promote sufficient, high quality and sustainable education and children's social care provider market
  - (vi) Schools capital investment
  - (vii) Children's Safeguarding
  - (viii) To promote children's literacy
  - (ix) Strategic Lead for Public Transport
  - (x) Education Access and Inclusion and Disability
  - (xi) School Intervention, Improvement, Learning and Professional Standards
  - (xii) Youth Justice
  - (xiii) Children's Early Help and Family Support
  - (xiv) Vulnerable Children Engagement, Advocacy and Complaints
  - (xv) Corporate Parenting
  - (xvi) Social Work Professional Standards (Children)
  
- (b) Additional specific delegated decision making powers to:
  - (i) Approval of the Schools and Early Years Funding Formula

- (ii) Approval of the Local Admissions arrangements for Maintained Schools
- (iii) Appointment of local authority governors
- (iv) Appointment of Education Appeals panel members
- (v) Approval of the Statement of Purpose for Ofsted regulated provision
- (vi) Receive the Annual Statutory Complaints report

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR FINANCE AND GOVERNANCE**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Financial Services, including Accounting and Budgeting, Internal Audit and Assurance and Procurement, Capital Investment Strategy and Capital Programme
  - (ii) Collection of council tax and NNDR
  - (iii) Administration of Housing Benefit and Local Council Tax Support
  - (iv) Veterans - Armed forces champion and Armed Forces Covenant
  - (v) Information Governance
  - (vi) ICT
  - (vii) Democratic Services, including Electoral and Mayoral Services; Member Services
  - (viii) Legal Services
  - (ix) Arrangements for Coroner's, Local Land Charges and Registration Services
  
- (b) Additional specific delegated decision making powers to:
  - (i) Be consulted by the Director: Governance and Partnerships on proposals to write off debtor accounts in excess of £5000 for any one debtor
  - (ii) Approve the grant of Discretionary Rate Relief
  - (iii) Approve changes to the capital programme in excess of £350k

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR ENVIRONMENT AND STRATEGIC PLANNING**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Environmental Improvement, Sustainability and Energy Management
  - (ii) Municipal Waste Management, including refuse collection, disposal and recycling
  - (iii) Street Cleaning and Grounds Maintenance
  - (iv) Public Conveniences
  - (v) Public Rights of Way, Countryside Access and Nature Reserves
  - (vi) Strategic Council Planning and Performance
  - (vii) Spatial Planning
  - (viii) Strategic Housing
  - (ix) Drainage and Flood Risk Management
  - (x) Development Control and Planning Enforcement
  - (xi) Building Control

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR COMMERCIAL**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Commercial Property and Investment Strategy
  - (ii) Traded Services and Commercial Development, including with schools, public, private and voluntary sectors
  - (iii) Fleet Management and Vehicle Engineering
  - (iv) Corporate Landlord (operational buildings and facilities management
  - (v) Bereavement Services, Cemeteries and Crematoria
  - (vi) Strategic Lead for markets
  
- (b) Additional specific delegated decision making powers to:
  - (i) Sell, purchase, acquire and dispose of land and property (outside the scope of officer delegation)

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR RESIDENT ENGAGEMENT AND RURAL PARTNERSHIPS**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
  - (i) Town and Parish Council Liaison
  - (ii) Citizen and public engagement, including Residents' Panel
  - (iii) Council wide Stakeholder Engagement and Consultations
  - (iv) Customer Services and Information
  - (v) Customer representation and complaints
  - (vi) Voluntary and community sector – capacity building and relationships
  - (vii) Rural Services Network

**CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR SAFER, STRONGER COMMUNITIES – ASHBY, BOTTESFORD & SCUNTHORPE ('URBAN')**

- (a) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
- (i) Safer neighbourhoods/community safety partnership
  - (ii) Community Wardens, parking and public space protection order enforcement
  - (iii) CCTV, Security and Out of Hours Centre
  - (iv) Lifelong learning, library function, skills and employability
  - (v) Culture, Heritage and Arts, including Museums and Normanby Hall

For the avoidance of doubt, the policy and decision making powers under paragraph (a) above extend to all of North Lincolnshire.

- (b) Working with the Cabinet Member Safer, Stronger and Communities - Rural to promote within and relating to Urban communities:
- (i) Leisure, Outdoor Activities and Sports, Positive Activities
  - (ii) Tourism, including promoting North Lincolnshire visitor attractions
  - (iii) Community Grants and External Funding Development

Within part (b) of this portfolio reference to 'Urban' communities means the wards of Ashby, Bottesford, Brumby, Crosby and Park, Frodingham, Kingsway with Lincoln Gardens and Town.

## **CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR SAFER, STRONGER COMMUNITIES – RURAL**

- (a) The functions and areas of council policy and decision making responsibility to the extent that they are not non-executive are:
- (i) Public Protection including Trading Standards; Water and Food Safety
  - (ii) Environmental Protection; Licensing; and Animal and Housing Standards
  - (iii) Leisure, Outdoor Activities and Sports, Positive Activities
  - (iv) Tourism, including promoting North Lincolnshire visitor attractions
  - (v) Community Grants approval and External Funding Development

For the avoidance of doubt, the policy and decision making powers under paragraph (a) above extend to all of North Lincolnshire.

- (b) Working with the Cabinet Member for Safer, Stronger Communities - Ashby, Bottesford & Scunthorpe (Urban) to promote within and relating to Rural communities:
- (i) Lifelong learning, library function, skills and employability
  - (ii) Culture, Heritage and Arts, including Museums and Normanby Hall

Within part (b) of this portfolio reference to 'Rural' communities means the wards of Axholme Central, Axholme North, Axholme South, Barton, Brigg and Wolds, Broughton and Appleby, Burringham and Gunness, Burton upon Stather and Winterton, Ferry and Ridge.