

REPORT OF THE
Chief Executive
PART I

CONSTITUTIONAL UPDATE

1. EXECUTIVE MEMBER DECISION DAYS

- 1.1. As Members will be aware, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('Regulations') enabling the holding of remote meetings issued by Government at the commencement of the Covid-19 crisis have now expired. Whilst not 'meetings' for the purposes of the legislation, on introduction of the Regulations the County Council determined in May 2020 that Individual Executive Member Decision Days should also be held remotely in accordance with the provisions of the Regulations. Additionally, the County Council determined that where an Individual Executive Member Decision Day was held remotely in accordance with the provisions of the Regulations, any deputations should also be received remotely.
- 1.2. In February 2021, recognising that there was a possibility that the Regulations may not be extended, the County Council determined that notwithstanding any extension or not of the Regulations, Individual Executive Member Decision Days should continue to be held remotely, with deputations also received remotely, in accordance with arrangements determined by the Chief Executive, provided that such arrangements were no less accessible to members of the public than as would be under the Regulations. Delegated authority was given to the Monitoring Officer to amend the Constitution accordingly.
- 1.3. Consideration as to the exact form and permanence of remote Individual Executive Member Decision Days will be considered as part of a review which Cabinet have requested the Chief Executive to undertake at the end of the Covid-19 crisis. This review will include specific consideration as to the success, benefit and any other learning points around the holding of remote Individual Executive Member Decision Days.
- 1.4. In addition, and without prejudice to the review referred to above, it is hoped that in the next few months hybrid meeting room technology will be available to enable hybrid Individual Executive Member Decision Days. It is considered that this will be of benefit to the business and members of the public generally in terms of efficiency, public access and choice.
- 1.5. In the meantime, delegated authority is sought in order that the Monitoring Officer may amend the Constitution to remove reference to the expired Regulations, whilst retaining provision for remote Individual Executive Member Decision Days and deputations at the same, including also provision

for hybrid Individual Executive Member Decision Days, once the required hybrid meeting room technology to enable public access via a webcast is available.

2. CLARIFICATION OF PROVISIONS REGARDING NON-EXECUTIVE MEMBERS AND NON-COMMITTEE MEMBERS SPEAKING AT CABINET, INDIVIDUAL EXECUTIVE MEMBER DECISION DAYS, AND COMMITTEE MEETINGS

- 2.1 Provision regarding Non-Executive Members speaking at Cabinet, Committees of Cabinet and Individual Executive Member Decision Days is contained within Executive Procedures at Part 3, Chapter 2, Paragraph 4.6 of the Constitution. By virtue of this provision Non-Executive Members may speak by prior arrangement with the Chairman of the Meeting/Individual Executive Member as appropriate. The usual practice would be for a Member who wishes to speak to contact Democratic & Member Services (DMS) in advance so as to enable the smooth running of the meeting, and so that the Chairman/Executive Member is aware. Whilst there is nothing specific in the Constitution regarding Non-Committee Members speaking at Committee meetings, by analogy a similar practice has been followed.
- 2.2 So as to provide clarity for both Members and to aid the smooth running of the County Council's business it is suggested that the existing provision in the Constitution regarding Executive Procedures be amended so that notice should be received by the Chief Executive (via members.services@hants.gov.uk) no later than noon on the working day immediately preceding a Meeting/Individual Executive Member Decision Day, from a Non-Executive Member who wishes to speak. It is also suggested for the same reasons that a mirror provision be included in the Constitution regarding Non-Committee Members wishing to speak at Committee Meetings. Notwithstanding the above, Opposition Spokespersons and relevant Select Committee Chairmen may make individual arrangements with Executive Members with regard to speaking at Decision Days. Existing practice regarding questions on the report by Members who have not previously indicated that they wish to speak (with the consent of the Chairman after presentation of an Officer's report) is unaffected by this proposal.
- 2.3 Delegated authority is therefore sought in order that the Monitoring Officer may amend the Constitution accordingly.

RECOMMENDATIONS

That the County Council:

- a) Delegate authority to the Monitoring Officer to amend the Constitution in order to give effect to the proposal in Paragraph 1.5 of this report.
- b) Delegate authority to the Monitoring Officer to amend the Constitution in order to give effect to the proposal in Paragraph 2 of this report.