

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR THE CURRENT VIRTUAL COUNCIL MEETING ONLY

RECOMMENDATION: That, under Council Procedure Rule 26.1, Council agrees to temporarily suspend the specific Council Procedure Rules set out in this report for the purposes of holding this virtual Council meeting only.

Introduction

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 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.
2. To provide for the efficient and effective conduct of virtual Full Council meetings, it is proposed to temporarily suspend parts of the Council's Procedure Rules (Part 4, Schedule A of the Constitution). The proposed suspensions cater for the fact that there cannot be any physical attendance at virtual Council meetings, seek to ensure the meeting runs in a business-like way and, in respect of questions from the public, that technology is not a barrier to those who wish to put their views across and have a response from decision-makers.

Suspension of standing orders

3. Under Council Procedure Rule 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Council Procedure Rules with the exception of Rules 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of the Council Procedure Rules are to be suspended, to give the reasons for this and the duration of the suspension which is set out in this report.
4. For the avoidance of doubt, it is proposed that this is a temporary measure and will, upon both UK Government advice and if the Council determines, be resumed for traditional meetings.
5. It is also important to note that, as an alternative to suspension, Council can amend the Council Procedure Rules. However, there is no ability to immediately amend them because under Council Procedure Rule 26.2, if a motion is proposed and seconded to amend the Rules it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in November). Hence, the route proposed to effect these changes is temporary suspension.

Proposals

6. In light of the above, the suspension of the following Council Procedure Rules is, therefore, proposed:

- i) **Recorded Votes (Council Procedure Rule 19.4)** – it is proposed to suspend this Rule which provides for a roll call to be entered into the minutes upon 7 Members present demanding it, e.g. before a vote on a motion. Instead a Group Leader will be able to request a recorded vote on behalf of 7 Members of their Group.

For 'normal' voting the existing (and remaining) Council Procedure Rule 19.3, allows for the Mayor to take a vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

It is proposed that this affirmation be sought by the Mayor asking both Group Leaders to cast a normal or recorded vote on behalf of their whole Group. The Mayor will then ask if any Member wishes to vote differently to their Group. Time will be allowed for responses – either verbally or by using 'chat'. Such votes will then be recorded in the minutes in the usual way (by name in the case of recorded votes).

It is important to note that Council Procedure Rule 19.6 cannot be suspended. This does not relate to any collective recorded vote as above, but relates to an individual Member asking that their vote be recorded in the minutes.

- ii) **Rules of Debate on Motions (Council Procedure Rule 14.5 a-c and Council Procedure Rule 14.9 c)** - It is proposed to suspend these extracts of the two Council Procedure Rules to provide for more structured debate in virtual meetings as follows on any motion:

The proposed Order of Members speaking on Motions would, therefore, be:

- i) Mover
- ii) Seconder

NB :If an amendment is to be moved it will be listed on the Order of Business – move to vi) below:

If no amendment is to be moved then:

- iii) Two other speakers from either Group – pre notified by the Whips (the order of speaking to be determined by the Whips Committee)
- iv) Right of reply (mover of motion)
- v) Vote on motion – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

NB: If a pre-notified amendment is to be moved:

- vi) Mover of amendment
- vii) Seconder of amendment

- viii) Two other speakers from either Group - pre-notified by the Whips (the order of speaking to be determined by the Whips Committee)
- ix) Right of reply (mover of amendment)
- x) Right of reply (mover of original motion)
- xi) Vote – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

To assist in this the Chief Whips will liaise with the Head of Democratic Services to provide a definitive list of notified speakers for each item. This will be the list that the Mayor will use to call those speaking, so all Members should be aware of this. However, Points or Order or Points of Personal explanation will still be permitted. If a Member wishes to utilise these then they should indicate to the Mayor verbally or by using the 'chat' facility.

- iii) **General (Council Procedure Rules 22.1 and 24.1)** – Council Procedure Rule 22.1 relates to Members physically signing attendance sheets when they walk into the meeting. It is proposed to suspend this for virtual meetings because of the attendance roll call that takes place. Council Procedure Rule 24.1 relates to physically standing to speak and addressing their statements through the Mayor. As Members will be taking part virtually this will not be required.

Legal Implications

The Local Authorities and Police and Crime Panels [Coronavirus] [Flexibility of Local Authority and Police and Crime Panel Meetings] [England and Wales] [Regulations] 2020, made pursuant to the Coronavirus Act 2020, permit local authority meetings to be held virtually.

The proposal set out in this report, if agreed by full Council, will allow the virtual meeting on 19 November 2020 to run effectively and democratically by permitting members of the public and Members of the Council to fully participate.

The Borough Solicitor can confirm that, subject to certain exceptions which are set out in the body of the report, Council Procedure Rule 26.1 allows the Rules to be suspended by motion or without notice if at least one half of the whole number of Members of the Council are present and vote accordingly. Suspension can only be for the duration of the meeting on 19 November.

BACKGROUND PAPERS: None

ii) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5 day call-in provided there is agreement from the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.
2. Since those noted at the 10 September 2020 Virtual Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
4/9/2020	Postal Services Contract – Approval of a temporary 12 month direct award to Royal Mail Group, pending a broader pan-London tender process.	Leader of the Council and Cabinet Member for Finance, Property & Business Services
9/10/2020	Leisure Centre Refurbishment Programme 2020/21 – Approval for refurbishment works at Hillingdon Sports and Leisure Complex and Highgrove Pool (Release No.2).	Leader of the Council and Cabinet Member for Finance, Property & Business Services
5/11/2020	Highways Structural Programme 2020/21 – Approval of £9m for road and footway resurfacing works in the Borough. Funding release also for works carried out in Uxbridge Town Centre and roundabouts. (Release No 2).	Leader of the Council and Cabinet Member for Finance, Property & Business Services

Background Papers: Decision Notices