



April 27th, 2021

**Notice Of Meeting**

You are requested to attend the Council meeting to be held on **Wednesday, 28th April 2021** at **5:00 pm** in **Teams Meeting**.

# Agenda

**1.0 Apologies**

**2.0 Declarations of Interest**

**3.0 Amendment to Standing Orders - Remote Meetings**

 *SPR - 28th April 2021 - Amendment of Standing Orders.pdf*

*Page 1*

# Invitees

Cllr Terry Andrews

Ms Kate Bingham

Cllr Patrick Brown

Cllr Robert Burgess

Cllr Pete Byrne

Mrs Dorinnia Carville

Cllr charlie casey

Cllr William Clarke

Cllr Dermot Curran

Cllr Laura Devlin

Ms Louise Dillon

Cllr Sean Doran

Cllr Cadogan Enright

Cllr Aoife Finnegan

Cllr Hugh Gallagher

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Mickey Larkin

Cllr Alan Lewis

Mr Michael Lipsett

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Gavin Malone

Cllr Cathy Mason

Mr Johnny Mc Bride

Colette McAteer

Cllr Declan McAteer

Cllr Leeanne McEvoy

Cllr Harold McKee

Patricia McKeever

Cllr Karen McKevitt

Cllr Andrew McMurray

Cllr Roisin Mulgrew

Cllr Declan Murphy

Cllr Barra Ó Muiri

Mr Fearghal O'Connor

Linda O'Hare

Cllr Gerry O'Hare

Cllr Kathryn Owen

Cllr Henry Reilly  
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Cllr Michael Ruane  
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Cllr Michael Savage  
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Cllr Gareth Sharvin  
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Donna Starkey  
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Cllr Gary Stokes  
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Sarah Taggart  
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Cllr David Taylor  
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Cllr Jarlath Tinnelly  
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Cllr John Trainor  
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Cllr William Walker  
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Mrs Marie Ward  
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<b>Report to:</b>	Special Council meeting
<b>Date of Meeting:</b>	28 <sup>th</sup> April 2021
<b>Subject:</b>	Amendment of Council Standing Orders
<b>Reporting Officer (Including Job Title):</b>	Marie Ward, Chief Executive
<b>Contact Officer (Including Job Title):</b>	Fearghal O'Connor, Head of Legal Administration (acting)

Confirm how this Report should be treated by placing an x in either:-

<b>For decision</b>	<input checked="" type="checkbox"/>	<b>For noting only</b>	<input type="checkbox"/>
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**1.0****Background**

During the past year of the Covid 19 pandemic, all local councils have had to alter normal decision-making processes to ensure compliance with Public Health Agency guidance on social distancing and essential travel, whilst maintaining continuity of service. Council and Committee meetings are currently being held remotely via Microsoft Teams.

The legal authority for the remote holding of meetings is contained in the Coronavirus Act 2020 which allowed regulations to be passed by the Stormont Assembly in the form of The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020.

The regulations have been in force from 1<sup>st</sup> May 2020.

**2.0****Key Issues**

The key issue is that the regulations currently in place expire on 6<sup>th</sup> May 2021 and there is currently no legal provision in place to allow the Assembly to extend the regulations.

Effectively, after 6<sup>th</sup> May 2021, the Council and its Committees have no authority to meet remotely to make decisions and would be required to meet in the traditional manner in order to make decisions. Whilst this is potentially achievable for Committee meetings with low quorum requirements, it is would not be possible to convene a full Council meeting in the traditional manner given the ongoing rules and regulations on meeting indoors.

This is an issue for Local Councils across the UK, and there is currently a legal challenge underway in England which seeks to establish a legal basis under the Local Government Act 1972 for the holding of 'remote' meetings such as are currently taking place. A hearing date is pending. The decision will not automatically apply to Northern Ireland and so even if the legal challenge is successful in England it will still fall to the Department for Communities to determine if this will apply to the Local Government Act (NI) 2014

	<p>The Department for Communities has stated that it is aware of the position and is working on the introduction of the legislative changes needed to ensure that powers to operate remotely are extended.</p> <p>The Department has also stated however that there may be a short period between the lapse of the current legislation and the introduction of changes during which time Councils may need to consider other arrangements.</p> <p>The options are as follows:</p> <ol style="list-style-type: none"> <li>1) <u>The exercise by Council's Chief Executive of delegated authority.</u></li> </ol> <p>A period of delegated authority was exercised by the Chief Executive during the acute phase of the pandemic in 2020 which preceded the introduction of the The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 in response to the emergency at that time. At this point this may be seen as an extreme step and unnecessary in the context of the other options.</p> <ol style="list-style-type: none"> <li>2) <u>The holding of meetings of Committees and Full Council at which Elected Members are physically present.</u></li> </ol> <p>This may be potentially achievable for Committee meetings with low quorum requirements, however it would still be very difficult to convene a full Council meeting in the traditional manner given the ongoing rules and regulations on meeting indoors. There is a continuing risk evidenced by a rising infection rate and the need to maintain extreme caution.</p> <ol style="list-style-type: none"> <li>3) <u>The amendment of Council's Standing Orders to enable the current 'remote' arrangements to be retained.</u></li> </ol> <p>Based on legal advice received there is a basis for amending Council's Standing Orders for a limited period until the legislation required to extend the current regulations governing remote meetings is introduced. It is hoped that the legislation will come into force in June 2021 although no clear date for this has been announced.</p> <p>The basis for amending Council's standing Orders is contained in section 37 of the Local Government Act (NI) 2014, which requires a council to make standing orders for the 'regulation of the proceedings and business' of the council. The provision also permits the variation of standing orders.</p> <p>Section 17(3) of the Interpretation Act (NI) 1954 provides that if legislation empowers or requires something be done, then all such powers as are reasonably necessary to enabling this or are reasonably incidental to that are also given. Section 31 of the same Act provides that legislation is to be applied to circumstances as they occur.</p>
<b>3.0</b>	<p><b><u>Recommendation</u></b></p> <p>It is recommended that members agree to option 3 to amend Council's Standing Orders by the inclusion of the wording as set out in the Appendix to this report to facilitate the</p>

	continued holding of 'remote' Committee and Council meetings until the necessary legislation is in force.
<b>4.0</b>	<b>Resource implications</b>
4.1	No additional resource implications
<b>5.0</b>	<b>Due regard to equality of opportunity and regard to good relations (complete the relevant sections)</b>
5.1	<p><b><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></b></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><b><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></b></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><b><i>Proposal initiating consultation</i></b></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
<b>6.0</b>	<b>Due regard to Rural Needs (please tick all that apply)</b>
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service

	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p> <p>If no, please complete the following:</p> <p>The policy / strategy / plan / public service is not influenced by rural needs <input type="checkbox"/></p>
<b>7.0</b>	<b>Appendix</b>
	Wording of proposed changes to be included in Council Standing Orders
<b>8.0</b>	<b>Background Documents</b>
	None



## **Schedule**

### **Proposed Changes**

#### **Remote Attendance**

Meetings of council are not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" 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 numbers.

A member of a council ("a member in remote attendance") attends the meeting at any time if all of the following conditions are satisfied. Those conditions are that the member in remote attendance is able at that time—

(a) to hear, and where practicable see, and be so heard, and where practicable be seen by, the other members in attendance;

(b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and

(c) to be so heard and, where practicable, be seen by any other members of the public in attendance.

A member, or a member of the public, attending a meeting or being in attendance includes that person attending by remote access.

Schedule 5 to the Local Government Act (Northern Ireland) 2014 (meetings and proceedings) applies to meetings of the Council as follows—

(a) any reference to being "present" at a meeting includes being present through remote attendance;

(b) any reference to a "place" where a meeting is held, or is 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 numbers; and

(c) in addition to the publication of notice of the time and place at the offices of the council such notice of remote meetings will be published within the required time on the Council website.

#### **Public access**

A meeting being "open to the public" includes access to the meeting through remote means including (but not limited to) video 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 in person; and being "present" at a meeting includes access through remote means.

**Access to information**

Any information to which the public is entitled to access (agenda and unrestricted reports) will be made available on the Council's website in addition to any duty for publication arising under the 2014 Act.

**Decision-making**

Any references in the 2014 Act to "members present and voting on the decision" includes a member being present through remote attendance.