

Overview and Scrutiny Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 16 December 2021

Present

Councillors Bailey, Middleton (Chair), Oxley and Wass (Vice-Chair)

In Attendance

Stacey Bulet, Simon Copley, Owen Griffiths, Anton Hodge, Gareth Mills, Margaret Wallace and Thilina De Zoysa

The Chair of Council, Cllr Frank, accepted an invitation to attend the meeting for agenda item 6 (minute 60 refers).

Minutes

56 **Apologies for absence**

Apologies were received from Councillors Cussons, Garbutt Moore, King, Raine, Raper, and Riby.

57 **Minutes of the meeting held on 16 November 2021**

Decision

That the minutes of the meeting of the Overview and Scrutiny Meeting held on 16 November 2021 be approved and signed by the Chair as a correct record.
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Voting Record

Unanimous

58 **Urgent Business**

There was no urgent business

59 **Declarations of Interest**

There were no declarations of interest.

60 **Questions**

The Chair of Council, Cllr Frank, was invited to attend the meeting, under the overview and scrutiny provisions in the Constitution, to answer questions on her decision to postpone the meeting of Full Council scheduled for 2 December 2021.

The Chair of the Overview and Scrutiny Committee, Cllr Middleton, started the proceedings by thanking the Chair of Council for accepting the invitation and agreeing to answer questions that the Committee had.

Below are a summary of the questions asked to the Chair of Council and the answers given.

- 1) Article 5.1 of the Constitution relates to the role of the Chair in being able to interpret the Constitution at necessary times. What evidence was your decision to postpone the meeting, at short notice, made?

The Chair of Council responded that she had a personal responsibility and liability for the safe conduct of the meetings, and those who took part in them. The unknowns of the new variant Omicron, alongside the fact that cases of Covid were higher in Ryedale than anywhere else in North Yorkshire, meant that she was urged to postpone the meeting. She did this with the agreement of 5 of the 6 Council Group Leaders.

- 2) The Chair of the Committee said that the number of Covid cases were in decline on the week of the Full Council meeting. Where did the evidence base lie?

The Chair of Council's evidence was based upon numbers found on the County Council website which showed the different levels of Covid at the different district areas.

Her information indicated that they were higher than elsewhere and that is what the decision was based upon.

- 3) Every Councillor was given a questionnaire ahead of the Council on whether they felt like they could attend the meeting. Was that taken into consideration?

The questionnaire was not taken into account, by the Chair of Council, as the survey did not take into account the unknowns of the new variant of Coronavirus.

- 4) But if the questionnaire suggested that a majority would attend the meeting, why was that not taken into account when considering the different views?

The Chair of Council reiterated that 5 of the 6 Group Leaders had concerns over the safety of the participants. She did agree, though, that the largest individual group, the Conservative Group, did not share her

viewpoint.

- 5) The Head of Corporate Governance was asked when the questionnaire had gone out.

He confirmed that it had been sent out to all members a few days before the Council was due to take place.

- 6) The Chair of the Overview and Scrutiny Committee returned to the Constitution. Article 5.2 concerns the way in which Council meetings need to be run to ensure “business can be carried out efficiently.” The decision to postpone the meeting would have had an financial consequence, did that cost to the Council play any role in your decision making?

The Chair of Council said that the financial cost was not a part of her thinking, the health concerns for the vulnerable members informed all. She did not believe that the date of the 2 December would work for the dispatch of business so used her power to postpone to such a date wherein it would be more feasible.

- 7) The Full Council would still have been quorate, even if there were several apologies. Could it not still have run?

The Chair of Council responded that meetings need to be all-inclusive and so to run the meetings without the input of those who could not be there would be to put those who were vulnerable at a disadvantage. She asked how many attendees would not feel safe.

- 8) Cllr Oxley said that the professional advice of officers was that the meeting could be run with the safeguards in place. Were you aware of this advice and was that part of your consideration?

The Chair of Full Council considered the legal advice in regards to her ability to postpone the meeting. She echoed the need to consider councillor’s health, but also the health of the officers who would have been present for the meeting. She said that her decision was vindicated in the long run.

- 9) Cllr Oxley said, regardless of vindication, the advice of both the government and professionals was that the meeting could go ahead and the rules did not change to allow that.

The Chair said that she was ahead of the game in regards to health then.

10) Cllr Oxley questioned if she did not regret the fact that the postponement could have set the work of the Council back by several months.

The Chair of Full Council was insistent that caution was the best judgement in this instance.

11) Cllr Wass asked why the communication over why the meeting had been postponed had not been clearer to the Members.

The Chair of Council said that an email had been sent from the Democratic Services email to all Members setting out why the meeting had been postponed and under what constitutional basis this was done.

12) It was asked of the Head of Corporate Governance if this postponement meant that the Council would move into urgency powers.

He responded that, as there was not a tight deadline for the items on the agenda, there will be no need to go straight into urgency powers. If urgency powers were to be invoked then that would mean that Council meetings would only be consultative. The legislation for virtual Full Council meetings expired in April.

13) The Head of Corporate Governance was asked what his professional advice was.

The officer responded that his view at the time was that safeguards had been put in place. The expert advice was that the meeting could have taken place if the risk assessment and those safeguards had been followed.

Article 6.1 of the Constitution details that the Overview and Scrutiny Committee is there for the effective transparency of the Council. The Chair of the Committee said that they had done that through this meeting. The questions were ended by saying that she disagreed with the decision to postpone the meeting but thanked her for her time and for answering all the questions that had been put to her.

61 **Statement of Accounts 2020-21**

Considered- The Report of the Chief Finance Officer

Decision

That the Committee noted the Audit Risk Assessment Presentation, 2020/21 Statement of Accounts (including the Annual Governance Statement), the proposed letter of representation, and the External Auditors Audit Findings ISA 260 document.

Voting Record

Unanimous

62 **Decisions from other Committees**

The Committee received the Minutes of the Policy and Resources Committee held on 29 November 2021.

63 **O&S Forward Plan**

The Committee received the Forward Plan.

Since the agenda was sent out, there were several changes to the Forward Plan.

The January meeting would no longer consider the “External Audit Plan.” This will be considered at a later date.

The January meeting would now be considering two additional items. These would contain the report on the “Model Code of Conduct” and a report that feeds back the progress made on the “Scrutiny Task Group on the Performance Appraisal System”.

64 **Any other business that the Chairman decides is urgent.**

There being no further business the meeting ended at 7:58pm.