

## **Committee: Standards and General Purposes Committee**

**Date: 28 June 2021**

## **Subject: Arrangements for returning to in-person Council and Committee Meetings**

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### **Recommendations:**

- A. That the Standards and General Purposes Committee discuss and agree the proposed arrangements for the return to in-person Council and Committee meetings

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. As a result of the expiry of the emergency legislation enabling council and committee meetings to be held virtually, Council is required to facilitate the return of in person meetings at the Civic Offices. Council has agreed that these meetings can resume as of 21 June 2021, the original date that the government had set for the lifting of all national Coronavirus restrictions, now currently postponed to 19 July 2021.
- 1.2. This report considers the arrangements for returning to in-person meetings and the options available for this.
- 1.3. As a small number of meetings will have taken place prior to the meeting of Standards and General Purposes Committee, any feedback from these meetings can also be considered during discussions.

## **2 DETAILS**

- 2.1. Since April 2020 Council and committee meetings had been held virtually using Zoom and livestreamed to the Council's Youtube channel under section 78 of the Coronavirus Act.
- 2.2. Emergency legislation enabling these meetings to be held virtually expired on 7 May 2021 and therefore meetings were required to meet in person from that date. In an effort to continue the facilitation of virtual meetings a high court challenge was lodged; however the judgement received in late April confirmed that meetings should return to being held in person and that for Councillors to be recorded as being present at the meeting, they must attend in person.
- 2.3. A further post-script judgement was issued that access to these meetings must also be provided for members of the public to attend should they wish to.

- 2.4. At its Annual Meeting on 21 April 2021, Council agreed that, should the high court challenge be unsuccessful, meetings would resume in person from 21 June 2021, the date on which social distancing regulations were expected to be lifted. Whilst this date has now been postponed, the majority of meetings are able to be facilitated within Government guidance on social distancing as detailed below and therefore can continue to proceed in person as planned.

### **3 PROPOSALS**

- 3.1 The following solutions are therefore proposed:

3.2 **All Council and Committee meetings will be held in the Council Chamber:**

The Council Chamber is the largest available room within the Civic Offices with a current capacity of 67 people if sitting 1+ metre apart, and 50 people if spaced 2 metres apart. The usual capacity with no social distancing in place is approximately 130 people. A capacity of 50 people enables all meetings except full council to be held in the Council Chamber with attendees sitting 2 metres apart. Risk mitigations will be in place including requiring attendees to wear masks at all times except whilst speaking or exempt, ventilation of the room, having a one way system in place, implementing a daily cleaning schedule, and the provision of hand sanitiser and wipes. Attendees will also be asked to take a lateral flow test 48 hours before the meeting.

3.3 **Suggested provisions for specific meetings**

3.4 **Full Council**

- 3.4.1 The usual attendance of Full Council is approximately 80 persons plus members of the public. It is currently not possible for this to be accommodated safely within the Council Chamber if facilitating some form of social distancing. As stated above, the maximum number who can be accommodated is 67 with participants sitting 1+ apart and 50 people if spaced 2 metres apart. Public health have advised that 50 people spaced 2 metres apart is the preferred option in order to minimise the risk of transmission.
- 3.4.2 The proposal therefore is that attendance at Full Council in the Chamber is limited to 45 Councillors plus the Chief Executive, Monitoring Officer and Democratic Services officers and a small number of public attendees (proposed to be limited to 3). All other officers and attendees would attend remotely via Zoom.
- 3.4.3 It would be open to members to agree that instead of the full complement of Cllrs attending, some members would not attend, provided that the meeting was quorate based on the numbers in physical attendance.
- 3.4.4 If this approach were adopted, members who did not attend the meeting in person would still be able to participate by Zoom. However, their attendance would not count towards the quorum or towards their attendance for the purposes of section 85 of the Local Government Act 1972 (“the six month rule”), and they would not be able to vote or move or second amendments.

### 3.5 **Licensing Sub-Committees:**

Licensing Sub Committees would continue to be held virtually as these meetings are constituted under the Licensing Act 2003.

### 3.6 **Planning Applications Committee:**

Planning Applications Committee would be held in person, whilst allowing for remote contributions by the public and applicants.

### 3.7 **Scrutiny:**

Scrutiny would be held in person in the Council Chamber.

### 3.8 **Consultative committees and community forums**

Consultative Committees and Community Forums would be held virtually whilst restrictions remain in place. Community Forums may benefit from a hybrid approach going forward if this can be facilitated in the current external venues.

3.9 Meetings not precluded from meeting virtually such as Leaders Strategy Group and Joint Cemetery Boards, would continue to meet virtually.

### 3.10 **Meetings will continue to be livestreamed**

3.10.1 All public meetings held on Zoom since April 2020 have been livestreamed to the Council's YouTube channel. This has allowed the public to continue to engage with the process through watching the meetings live and by joining the meetings to speak and ask questions.

3.10.2 Meetings have received between 20 and 554 views. Average in person attendance would be between 1 – 50 members of the public.

3.10.3 Retaining livestreaming of meetings would continue this increased public engagement with meetings, as well as enabling and encouraging those who wish to stay home to do so, rather than attend at the Civic offices.

### 3.11 **Retain remote attendance for some attendees**

3.11.1 Due to the reduced capacity of the Council Chamber when social distancing measures are in place, it is proposed that officers presenting reports, attending to observe or otherwise not specifically required to be present in the room continue to attend remotely.

3.11.2 Members of the public would be encouraged to continue to view meetings online and to attend remotely to speak or to ask questions; however, limited facilities would be made available for those members of the public who wished to attend in person as legally required. Meetings would therefore need to retain a small number of public gallery seating for members of the public to attend.

### **3.12 Members attending Remotely**

- 3.12.1 It is proposed that members who wish to attend the meeting to observe but who are not on the committee are able to attend remotely, including those who wish to speak on a specific item. However, it should be noted that although their attendance would be recorded in the minutes it would not count towards the six month rule.
- 3.12.2 Consideration could also be given to allowing councillors who are members of the committee in question to attend remotely, provided there were sufficient numbers physically present for the meeting to be quorate. They could ask questions and participate in discussions but would not be able to vote and, as above, could not count their attendance for the purposes of the six-month rule. This would not apply to the chair of any meeting.
- 3.12.3 Although such attendance would not count formally as attendance, a note could be made in the minutes of such meetings, indicating that a member had participated remotely and consideration could be given to including a similar indication on the attendance details on the website. Members may consider that doing so would only be appropriate while the Covid restrictions remain in place.

### **3.13 Meetings with large attendee numbers**

- 3.13.1 Meetings such as the Planning Applications Committee which attracted a large number of attendees for a particular item may pose a health and safety issue under the current guidelines. In person attendance would therefore need to be limited and a ticketing system could be setup for these purposes. In addition, for Planning Applications Committee, attendees could be held in a socially distanced waiting area outside the Council Chamber whilst other items were being considered and each group brought in only for their specific item. This approach has been used in the past for other large meetings. Attendees would continue to be encouraged to participate remotely where possible.
- 3.13.2 All current measures will be regularly reviewed depending on the Government guidance applicable at the time of the meeting.

### **3.14 Risk Mitigations in place for all meetings**

- Hand sanitiser and cleaning wipes would continue to be provided
- The Chamber and Committee Rooms would be well ventilated.
- Masks would be required during meetings unless attendees are exempt or are speaking.
- Attendees would be asked to take a lateral flow test before attending the meeting.

- Water would not be provided, with attendees bringing their own water, pens and copies of papers. Name plates would not be provided to reduce transmission risk.
- The Council Chamber will be cleaned daily and all touchpoints as well as microphones will be cleaned each afternoon. In the event of a longer meeting (ie Planning Committee) Democratic Services staff are able to wipe down touchpoints, door handles etc whilst councillors have a mid-meeting break.

3.14.1 The suggested protocol is attached at Appendix A of the report.

#### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1 In preparation for this report Democratic Services have met with political group office staff to obtain a steer on their group's views. A risk assessment has been written, and Public Health, Facilities and Health and Safety colleagues have also been consulted.
- 4.2 Group leaders have had sight of the report and had opportunity to comment.

#### **4.3 TIMETABLE**

- 4.3.1 The agreed options and protocol would be implemented immediately.

#### **4.4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 4.4.1 Zoom licence and host costs would continue to allow for livestreaming and remote access.

#### **4.5 LEGAL AND STATUTORY IMPLICATIONS**

- 4.5.1 As stated above, the flexibility of meetings regulations which allowed virtual meetings to take place have expired and therefore in order for decisions to be taken lawfully at meetings, there must a physical quorum and the ability for members of the public to attend in person should they choose.
- 4.5.2 A number of councils are seeking solutions to allow continued remote attendance and participation by councillors even though such attendance would not count toward the calculation of a quorum or attendance records for the purposes of section 85 of the Local Government Act 1972. As they would in effect not be in attendance, they also cannot vote.
- 4.5.3 There is no express legislative provision allowing councillors to participate remotely in their capacity as councillor and there may be some risk of challenge on the basis that people not present at the meeting in accordance with the 1972 Act requirements should not be able to participate in debates on matters. However, as the Council's constitution allows councillors who are not members of bodies to attend and speak at their meetings, as well as members of the public, it would seem illogical to deny that opportunity to members of those bodies. Therefore, although the law has not been tested in this respect here

would seem to be little risk in allowing this, particularly while Covid restrictions remain in place.

4.5.4 Elsewhere on this agenda is a report proposing a number of constitutional changes, including to the Council Procedure Rules. Depending on the view of members on the proposals contained in this report, it would be prudent to reflect any agreed arrangements in those rules.

4.5.5 It would be prudent to keep the matter under review in light of Government guidance and the evolving position nationally.

#### **4.6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

4.6.1 None for the purposes of this report

#### **4.7 CRIME AND DISORDER IMPLICATIONS**

4.7.1 None for the purposes of this report

#### **4.8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

4.8.1 A risk assessment has been produced on the return to in person meetings with input from both Health and Safety and Public Health.

#### **4.9 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

4.9.1 Appendix A – Proposed protocol for public Council and Committee meetings

#### **4.10 BACKGROUND PAPERS**

4.10.1 None for the purposes of this report