

## **Committee: Council**

**Date: 17 November 2021**

## **Subject: Review of Arrangements for in-person Council and Committee Meetings**

Lead officer: Andrew Robertson, Head of Democracy and Electoral Services, 0208 545 3409

Lead member: Councillor Tobin Byers, Cabinet Member for Finance

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### **Recommendations:**

- A. That Council agrees the retention of the meeting arrangements as described in this report for a further period of 6 months
  - B. That Council agrees the amendment to the constitution of the Council procedure rules as listed within Appendix A
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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 was required to facilitate the return of in person meetings at the Civic Offices. These meetings therefore resumed as of 21 June 2021.
- 1.2. A number of meetings have taken place in person since this date. At the meeting of the Standards and General Purposes Committee on 28 June where arrangements were agreed, the Committee requested that a review of these measures take place after six months.
- 1.3. This review took place at its' meeting on 4 November 2021 where the Committee agreed to the retention of the measures for a further period of 6 months.

## **2 PROPOSALS**

- 3.1 The following are therefore proposed:

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

The Council Chamber is the largest available room within the Civic Offices and is the only room in the Civic Centre which can facilitate the livestreaming of meetings. It is therefore proposed that all meetings continue to be held within the Chamber.

- 3.3 **Full Council**

- 3.3.1 The usual attendance of Full Council is approximately 80 persons plus members of the public. It is still currently not possible for this to be accommodated safely within the Council Chamber if facilitating some form of social distancing.
- 3.3.2 Two meetings of Full Council have taken place since June 2021 – the July 2021 meeting took place with 29 members in attendance and the remaining members participating remotely via Zoom. The September 2021 meeting took place with 55 members in the Chamber and 3 participating via Zoom. This included seating a number of members within the Public Gallery and using a roving microphone when speaking.
- 3.3.3 It is currently proposed that approach of arranging the layout of meetings to accommodate councillors using the public gallery continues for the remaining meetings of the 2021/22 municipal year, whilst being reviewed prior to each Council meeting. In the event that social distancing could be reduced, members could return to all being seated within the main Chamber area, with the public gallery returning entirely to public use. This may be particularly beneficial for any potential councillor candidates wanting to attend meetings prior to the May 2022 election.
- 3.3.4 If this approach were adopted, members who did not attend the meeting in person would continue be able to participate by Zoom. This is discussed further in paragraph 3.11.2 below. 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 on any item or move or second amendments.
- 3.4 **Licensing Sub-Committees:**
- Licensing Sub Committees would continue to be held virtually as these meetings are constituted under the Licensing Act 2003.
- 3.5 **Planning Applications Committee:**
- Planning Applications Committee would continue to be held in person, whilst allowing for remote contributions by the public and applicants.
- 3.6 **Scrutiny:**
- Scrutiny would continue to be held in person in the Council Chamber.
- 3.7 **Consultative committees and community forums**
- Consultative Committees and Community Forums would continue be held virtually during the Winter period. Community Forums may benefit from a hybrid approach going forward if this can be facilitated in the current external venues from the Spring/Summer 2022 depending on the levels of Covid19 infections at the time.
- 3.8 Meetings not precluded from meeting virtually such as Leaders Strategy Group, Joint Consultative Committee and Joint Cemetery Boards, would continue to meet virtually.

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

- 3.9.1 Members agreed at the previous meeting of Standards and General Purposes Committee that meetings should continue to be livestreamed. It is recommended that this continue indefinitely unless a specific decision is taken in future to curtail this practice.

### **3.10 Continue to retain remote attendance for some attendees**

- 3.10.1 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 where possible, with the exception of Directors and the Chief Executive who will attend in person.
- 3.10.2 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 will continue to be made available for those members of the public who wished to attend in person as legally required. Meetings would therefore continue to need to retain a small number of public gallery seating for members of the public to attend.

### **3.11 Members attending Remotely**

- 3.12 It is proposed that members who wish to attend the meeting to observe but who are not on the committee are able to continue 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.
- 3.13 Consideration could also be given to allowing councillors who are members of the committee in question to attend remotely in certain circumstances, 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. This option has been used by a number of members during the last six months and it is therefore recommended that this approach continue.
- 3.14 At its meeting on 7 July Full Council agreed some additional standing orders to allow such attendance but they did not specifically refer to meetings of full Council. Those standing orders are attached as Appendix A. Should the Committee choose to recommend that this practice should continue for a further six months then it is also recommended that the relevant standing order is amended to include reference to council meetings. It is suggested that participation in this way should include the right to ask questions under rule 12 of the Council procedure Rules. The proposed change is shown as a tracked changes on Appendix A.

3.15 Although such attendance would not count formally as attendance, a note is made within the minutes of such meetings, indicating that a member had participated remotely and a similar indication is also included on the attendance details on the website.

### **3.16 Meetings with large attendee numbers**

3.17 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.

All current measures will be regularly reviewed depending on the Government guidance applicable at the time of the meeting.

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

- Hand sanitiser and cleaning wipes would continue to be provided
- The Chamber and Committee Rooms would be ventilated.
- Masks are recommended during meetings unless attendees are exempt or are speaking.
- Attendees would be asked to take a lateral flow test before attending the meeting.
- Water is now provided at the entrance to the Council Chamber with attendees collecting their own water to reduce transmission risk. Attendees would continue to bring their own pens and copies of papers. Name plates would continue to 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 (i.e. Planning Committee) Democratic Services staff are able to wipe down touchpoints, door handles etc. whilst councillors have a mid-meeting break.

3.19 The suggested protocol is attached at Appendix B of the report.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 The measures were previously agreed by the Standards and General Purposes Committee and the Full Council.

4.2 The retention of the measures for a further six months and suggested amendment to the Constitution was agreed by the Standards and General Purposes Committee on 4 November 2021

#### **4.3 TIMETABLE**

4.3.1 The proposed options and protocol if agreed 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 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 – Extract from Council Procedure Rules agreed at Full Council on 7 July 2021

4.9.2 Appendix B – Current protocol for public Council and Committee meetings

**4.10 BACKGROUND PAPERS**

4.10.1 None for the purposes of this report

## **Appendix A**

Extract from Council Procedure Rules agreed at Full Council on 7 July 2021

### **21 REMOTE ATTENDANCE**

- 21.1 The Council has the ability to allow remote participation in its meetings by virtual means via Zoom or other similar technology and in respect of such attendance the following provisions apply to meetings where the relevant facilities exist.
- 21.2 Members of the public, wishing to speak or ask a question at any meeting shall be offered the opportunity of doing so remotely;
- 21.3 Representatives of partner bodies, including those giving evidence at the Overview and Scrutiny Commission or any of its panels may do so remotely
- 21.5 Any member appointed to a Committee or Sub-Committee, with the exception of its chair may participate in a formal meeting of that body remotely, but their presence would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting of that body is quorate and they shall not be entitled to vote on any matter under consideration.
- 21.6 A member may participate in a meeting of full Council remotely and shall have the right to ask questions pursuant to Rule 12. Such participation would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting is quorate and they shall not be entitled to vote on any matter under consideration.
- 21.7 A member who is entitled to attend a meeting of a committee, subcommittee or Cabinet but who is not a member of that body, may do so attend remotely.
- 21.8 Remote attendance by a member at a meeting under paragraph 21.5 or 21.6 above, shall not count as attendance for the purposes of S.85 of the Local Government Act 1972 (the 'six-month' attendance rule);
- 21.9 Paragraph 21.5 of this standing order does not apply to the Planning Applications Committee or the Licensing Committee or any of its subcommittees.

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