

23 March 2021

Report of	Assistant Director of Corporate and Improvement Services	Author	Richard Clifford
Title	Update on Remote (Digital) Council Meetings		☎ 507832
Wards affected	Not Applicable		

1. Executive Summary

- 1.1 This report provides an update on remote (digital) Council meetings, as requested by the Governance and Audit Committee when it last considered the issue in October 2020. The report highlights that the legislative provisions that allow remote Council meetings are due to expire on 7 May and examines some of the issues involved in returning to physical meetings, given the continued need to maintain social distancing, and how these may be addressed.

2. Recommended Decisions

- 2.1 To note the update on remote (digital) meetings.
- 2.2 To agree that: -
- (a) arrangements for the Annual Meeting on 26 May be agreed by the Mayor, in consultation with the Group Leaders.
 - (b) arrangements for other formal decision-making meetings at the start of the 2021-22 municipal year be agreed by the Leader of the Council, in consultation with the Group Leaders.
 - (c) an update report be provided to Full Council in July 2021.
 - (d) briefing meetings for Committee Chairs and Group Spokespersons continue to be held remotely.

3. Reason for Recommended Decision

- 3.1 The legislative provisions that allow remote Council meetings are due to expire on 7 May 2021 and therefore arrangements need to be in place to agree how meetings should be held at the start of the 2021/22 municipal year. There is some fluidity around some of the issues and therefore it is proposed arrangements for meetings be agreed by either the Mayor or Leader of the Council, in consultation with Group Leaders.

4. Alternative Options

- 4.1 No alternative options are proposed.

5. Background Information

- 5.1 At its meeting on 20 October 2020, the Committee reviewed the implementation of remote Council and Committee/Panel meetings. This report was informed by a survey of the views of Councillors and officers. The Committee made the following recommendations to Council: -

RECOMMENDED to Full Council:

- (a) All meetings continue to be remote (digital) by default and hosted via Zoom and live streamed by YouTube for the remainder of this municipal year. However, this be kept under review in the light of evolving Government guidance and legal requirements.*
- (b) All briefings for committee and panel chairs and group spokespersons be held remotely.*
- (c) The possibility of hybrid and face to face meetings be considered when both Government Guidance and legislation permits and following a Covid- 19 health and safety risk assessment for each meeting.*
- (d) Chairs of meetings retain flexibility to determine how formal votes are conducted taking into account the following principles: -
 - (i) Non-controversial items be agreed by the chair asking participants to indicate verbally whether anyone is against a proposal.*
 - (ii) Where the subject matter is controversial or relates to a quasi-judicial matter, a roll call of councillors be taken to ensure transparency.**
- (e) Chairs of meetings retain the option of being physically present with officers when required, suitably socially distanced, whether it be due to procedural complexity of the meeting or of the nature of business to be transacted.*
- (f) Government be lobbied to extend the Regulations to enable remote and hybrid meetings to continue beyond May 2021.*

These recommendations were approved by Council at its meeting on 3 December 2020. In terms of the recommendations: -

- All decision-making meetings have continued to be held remotely.
- The more flexible voting arrangements have been introduced and have helped speed up business and make meetings slightly less formal. Where needed, formal roll calls are still taken.
- The only meetings where the Chair has used the option of being present with officers has been Full Council where the Mayor has chaired the meeting from either the Town Hall or Rowan House, in the presence of the Chief Executive, the Monitoring Officer and the Lead Democratic Services Officer, and a meeting of the Licensing Sub-Committee. Social distancing is maintained and a Covid 19 risk assessment completed for each meeting.
- The Leader of the Council together with Group Leaders wrote to the Secretary of State for Housing, Communities and Local Government on 3 February 2021 requesting the government take the necessary legislative steps to enable remote and hybrid meetings to continue beyond May 2021. A copy of this letter is at Appendix A.

- 5.2 All public decision-making meetings have continued to be held remotely using the Zoom meeting platform and are live streamed via the Council's YouTube channel. Viewing figures from recent meetings are set out below, which demonstrate particularly high engagement with the Cabinet meeting on 27 January 2021, when there was

considerable public interest in a report on Queen Street and the Alumno Development, and the Extraordinary Council Meeting on 1 February 2021 when Section 1 of the Local Plan was adopted.

Meeting	Date	Total Watch Time (Hours)	Unique Viewers	Total Views	Number of Live Concurrent Views
Planning Committee	10/12/20	20	130	215	25
Local Plan Committee	14/12/20	50	53	171	30
Environment and Sustainability Panel	17/12/20	4	54	82	3
Policy Panel	13/01/21	4.5	52	55	4
Governance and Audit Committee	19/01/21	6.5	36	84	4
Planning Committee	21/01/21	19.6	99	136	8
Scrutiny Panel	26/01/21	12	35	73	9
Cabinet	27/01/21	117	85	345	49
Environment and Sustainability Panel	28/01/21	13	55	137	9
Extraordinary Council Meeting	01/02/21	33	175	442	52
Revolving Investment Fund Committee	03/02/21	2	79	103	8
Council	24/02/21	24	179	415	37

- 5.3 The Committee indicated that it would review the position in March 2021 so the position could be revaluated in the light of circumstances. This report meets that commitment.

Legislative Position

- 5.4 Prior to 4 April 2020 all local authority meetings were required by law to be held with all participating councillors physically present in the same room. As a consequence of the Covid 19 pandemic the government introduced the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Meetings) (England) Regulations 2020. These came into force on 4 April 2020 and apply to meetings held before 7 May 2021. The Government has indicated that it believes that to extend the provisions and allow remote meetings to continue will require primary legislation and that there is no scope for this to be done before the Regulations expire. Therefore, as matters stand, there will be no legislative basis for remote meetings from 7 May 2021 onwards, and formal decision-making meetings will need to be held in person.
- 5.5 As mentioned earlier, the Council has already written to the Government to lobby for the necessary legislative changes to enable remote meetings to continue. A copy of the letter is at Appendix 1. The Government has been subject to lobbying on this issue from a number of representative local government organisations including the LGA, Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

This has been on the basis not just of issues around ensuring the safety of those attending meetings through a pandemic, but in terms of continuing to secure the other benefits of remote meetings, as set out in the Council's letter.

- 5.6 Within local government there is some doubt as to whether changes to primary legislation are required to enable remote meetings to continue and that other avenues are available to the government. These are being explored by organisations such as LLG and ADSO. For example:
- Under the Local Government Act 1999 Best Value authorities (which include principal authorities, but not community and parish councils) are obliged to "make arrangements" for continuous improvement. It has been suggested that the Secretary of State could use powers to provide that remote meetings should continue in order to comply with this duty.
 - An order under the Cities and Local Government Devolution Act 2016, which permits the Secretary of State to make changes to principal councils' governance arrangements with their consent.
 - LLG and ADSO together with Hertfordshire County Council are seeking a declaratory judgement from the Court of the meaning of "place" within the legislation governing meetings and whether this could include an online platform.
- 5.7 At the time of writing this report none of the above have been determined and an update will be provided to the meeting.

Return to Physical Meetings

- 5.8 Notwithstanding these attempts to clarify the position and to lobby the government, the position remains that at present the Council's decision-making meetings will need to be held as physical, in person meetings from 7 May onwards. This will mean that those persons making the decision must all be physically together in a meeting room. It does not necessarily mean that officers supporting and presenting to the meeting and visiting councillors and members of the public wishing to view or make representations need to be present in the same room.
- 5.9 The first meeting that will be subject to these arrangements will be the Annual Meeting on 26 May 2021.
- 5.10 However, we cannot simply return to the pre-Covid arrangements for meetings. Any meetings will be required to be Covid safe. This means that a Covid 19 risk assessment would need to be completed for each individual meeting. Social distancing requirements will remain in place at this point and are likely to remain in place for a considerable time and it is vital to ensure rooms are well ventilated. The Government has indicated that social distancing requirements will not be reviewed until Step 3 on its Roadmap Out of Lockdown. This means it will not be reviewed before 17 May 2021 and the current guidance will therefore be in place for at least the first scheduled meetings of the 2021/22 municipal year.
- 5.11 In addition, Councillors and others who are [clinically extremely vulnerable](#) are currently advised to shield until 31 March. This is likely to be lifted progressing in to the next Covid roadmap steps (12 April onwards) but the advice of working from home (rather than going on site) where it is possible until restrictions are significantly eased is likely to remain.

There is also a further identified higher-risk group*, on which emerging data continues to be assessed. Guidance for businesses at this time is to consider this group in their risk assessments. The Council's risk assessment process highlights the advice such as

working from home is similarly applied for the safety of the higher-risk group as it is for those who are clinically extremely vulnerable.

*The higher-risk groups include those who:

- are older males
- have a high body mass index (BMI)
- have health conditions such as diabetes
- are from some Black, Asian or minority ethnic (BAME) backgrounds

5.12 After taking advice from the Health and Safety Officer the position on each of the main meeting rooms in the Town Hall is as follows:-

Grand Jury/West Committee Room: It would be possible to configure the Grand Jury/ West Committee Room to hold approximately 12 participants in its usual meeting room layout. However, we would need tables/chairs set up reaching almost the length of both rooms due to the distancing needed between them. It may be possible to accommodate 2-4 of members of public at seats on the sides. Windows would be required to be open during the meeting to ensure good ventilation.

Council Chamber: With 1m social distancing the Council Chamber could be used by a maximum of 31 participants (roughly every other seat) and 4 members of public. However, as the Chamber has limited ventilation the fire escape door and window behind it would have to be kept open to increase the ventilation, and for this reason the use of the Chamber is not recommended at the current time. As participants would be under 2m apart face coverings would be required to be worn for the duration of the meeting.

Moot Hall: The Moot Hall could be configured with tables and chairs in roughly the Council Chamber layout but 1m distanced between each participant. This would go from the edge of the stage area to around slightly over half the length of the room, and then allow space behind for approximately 15-20 members of the public. The side doors leading to the outside balcony would need to be opened for ventilation, but it could be made Covid secure for meetings, however it would require stringent controls for entry and exit. As social distancing would be less than 2m face coverings would be required during the meeting.

5.13 Therefore, the only room large enough to accommodate Council and Committee meetings whilst maintaining social distancing and adequate ventilation in line with the current guidance is the Moot Hall. This poses a number of challenges.

- There is no audio system installed in the Moot Hall. On occasions when the Moot Hall has been used for Committee meetings because of the scale of public interest, an audio system is hired. The approximate costs of this were approximately £900 per meeting in 2018.
- Before the pandemic the Council was exploring options around the live video streaming of its decision-making meetings. The move to remote meetings has enabled the meetings to be live streamed on the Council's You Tube channel quickly and easily. It would seem a retrograde step in terms of public engagement and transparency to move away from the live streaming of meetings. However, at present the Council does not have the equipment or software necessary to effectively film and stream a physical meeting.
- Even if legislation for remote meetings is introduced, it is anticipated that some members may wish to begin to return to physical meetings and that a hybrid solution including both physical and remote attendees will need to be developed.

- 5.14 One option would be to return to the previous practice of only audio streaming meetings, when they are held physically. Whilst this would reflect the position at the time the pandemic began, it would lead to the loss of the public engagement benefits from a live video stream. The viewing figures as shown in paragraph 5.2 above are considerably greater than the listening figures from the audio stream. The successful use of streaming from remote meetings may have created an expectation amongst Councillors and members of the public that this will continue. However, the introduction of a video streaming system may be a significant investment and would be best addressed when there was more certainty about the meetings arrangements and when requirements about social distancing and ventilation in meeting room had eased, allowing decisions to be taken that would address the preferred meeting rooms.
- 5.15 Notwithstanding this, officers have been investigating potential solutions that will provide an audio system and will allow for video streaming to continue. These have included looking solutions from the market leader Public I, including mobile solutions that can be moved between rooms. An indicative quote for such a system is awaited. The feasibility of developing an in-house solution is also being pursued with colleagues in IT. In view of the potential complexity a consultant will be engaged to look at possible solutions. This work is ongoing, and we are not in a position to report on the likely costs of such a system at this point.
- 5.16 Other possibilities could include using larger external venues such as Charter Hall for the Annual Meeting.
- 5.17 In view of the fluidity of the situation, and given the point we are at in the municipal year with no further meeting of Council before the start of the next municipal year, it is proposed that:-
- (a) The arrangements for the Annual Meeting on 26 May be agreed by the Mayor, in consultation with the Group Leaders.
 - (b) The arrangements for other formal decision-making meetings at the start of the 2021-22 municipal year be agreed by the Leader of the Council, in consultation with the Group Leaders.
 - (c) An update report be provided to Full Council in July 2021.
- 5.18 The requirements to return to physical meetings do not apply to informal briefing meetings and it is recommended that briefing meetings for Committee Chairs and Group spokespersons continue to be held remotely. These arrangements have worked well, and their continuation would allow the flexibility and benefits in reduction in travel to continue.

6. Financial implications

- 6.1 At present there is no budget identified for the purchase of a new streaming or audio-visual system.

7. Health and Safety Implications

- 7.1 The health and safety implications are addressed in the main body of the report.

8. Environmental and Sustainability Implications

- 8.1 There are direct environmental benefits from holding meetings remotely, mainly from the reduction in car journeys and CO₂ emissions from the Town Hall for meetings. These were quantified in the report to the Committee in October and are set out below. A return to physical meetings would mean that these environmental benefits would be lost and there would be a merit in exploring hybrid meetings as far as possible in order to retain as many environmental benefits as possible.

Length of round journey (miles)	Avoided miles travelled	Saving of CO ₂ (tonnes)	CO ₂ avoided from vehicle emissions (kg)
4	1256	0.37	370
6	1884	0.55	550
10	3140	0.91	910

Equality and Diversity Implications

- 9.1 There are accessibility benefits from holding meetings remotely in that they allow people to view or join meetings from the environment of their choice, rather than from travelling to and accessing the meeting at the Town Hall. The proposed arrangements agreed upon for the start of the municipal year will need to be subject to a Equality Impact Assessment.

10. Standard References

- 10.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or community safety; or risk management implications.

Appendices

Appendix 1 – letter to the Secretary of State for Housing. Communities and Local Government