

Local Authority Meetings

Date: 2nd July 2021

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report updates General Purposes Committee on the position in respect to formal meetings of Committees, Boards and Panels of the authority following the curtailment of Regulations to permit Remote meetings.
- The report summarises guidance presented to all Chairs and Lead Officers of Committees on how committee business can be safely transacted.
- The report also seeks endorsement for the extension of live Webcasting for all meetings of committees held in Committee Room 6/7 and the Council Chamber and the option for Remote consultative meetings, held in lieu of formal meetings, to also be Webcast.
- The report presents Leeds City Council's response to the Government 'Call for Evidence' on the use of arrangements which have allowed local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

Recommendations

General Purposes Committee is asked to

- a) Note the current position with regards to meetings of the Authorities Committees, Boards and Panels;
- b) Endorse the approach set out in respect to the permanent extension of Webcasting as set out in the report;
- c) Note the submission made by Leeds in response the Government 'Call for Evidence'.

Why is the report being put forward?

Meetings of Committees Boards and Panels

- 1 From the 17th May all formal meetings of committees must take place with all participants (Members, participating Officers, applicants, objectors, witnesses and public etc.) in physical attendance.
- 2 Covid 19 requirements have necessitated a risk assessment is undertaken to ensure that any necessary proceedings are conducted in a single physical meeting space in a safe and secure way.

Webcasting

- 3 Given the success and wider access/engagement of citizens in remote committee meetings, coupled with the greater flexibilities as a result of technological enhancements to committee room 6/7, Members are asked to endorse the permanent extension of live broadcasting to all future committee meetings taking place in committee room 6/7 and the Council Chamber.
- 4 This would, in principle, routinely capture all meetings of:
 - Executive Board
 - Scrutiny Boards
 - Plans Panels
 - Licensing Committee¹
 - General Purposes Committee
 - Standards and Conduct Committee
 - Corporate Governance and Audit Committee
 - Climate Emergency Advisory Committee
 - Any Community Committee meetings taking place at the Civic Hall

Government 'Call for Evidence'

- 5 At the end of March 2021 the Government launched a 'Call for Evidence' to seek views on the use of express provisions for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic. The 'Call for Evidence' was prompted by representations from individual local authorities and sector representative organisations making the case for permanent express provision for remote meetings.
- 6 The views expressed in the response attached at Appendix 1 are informed by practitioners (both Chairs and lead officers) involved in Licensing, Planning, Community Committees, Scrutiny, Executive/Cabinet decision making. In addition, they reflect views expressed by third party contributors including applicants, objectors, campaigners and scrutiny witnesses.

What impact will this have?

Wards affected:

Have ward members been consulted?

Yes

No

- 7 The committee arrangements put in place provide a balanced approach to facilitating necessary decision making in a safe and Covid secure way.
- 8 Making a commitment to extend webcasting to a wider number of committee meetings and thereby supporting our corporate objective to be open, honest and trusted.

¹ Not Licensing Sub committee as the nature of the frequent adjournments of this meeting make webcasting challenging

- 9 The 'Call for Evidence' submission will help Government understand the experiences of local authorities and inform any decision about whether to make these legislative provision of Remote meetings in the future.

What consultation and engagement has taken place?

- 10 Consultation has taken place with all committee lead officers and, through them, Committee Chairs.
- 11 All committee members are advised of the Health and Safety arrangements in advance of attendance at meetings.
- 12 The 'Call for Evidence' submission was provided to comment to the Executive Member prior to submission.

What are the resource implications?

- 13 The current contract for Webcasting provides a limit on the number of hours that can be broadcasted – these being based on the number of hours necessary to reasonably accommodate broadcasting Full Council and Executive Board.
- 14 However as part of development work done at pace during the pandemic facilities have been enhanced to enable 'Hybrid' meetings to be conducted from Committee Room 6/7. These meetings can be simultaneously broadcast to YouTube with limitless hours at no cost and can be configured in such a way to enable face to face meetings to take place with or without external participants.
- 15 Work has also taken place to equip the Council Chamber (at minimal cost) to operate on a Hybrid basis – albeit utilising the existing Webcasting equipment that is still under contract with our Webcast provider.
- 16 Further work would be needed to explore the costs and practicalities of other committee meetings, such as Community Committee meetings taking place in localities and meetings of the Health and Wellbeing Board which has routinely taken place outside of the Civic Hall.

What are the legal implications?

- 17 An application to the High Court made by Association of Democratic Services Officers, Lawyers in Local Government and Hertfordshire County Council in relation to virtual meeting provision for local authorities – having heard the case the application was dismissed.
- 18 The court judgment clarified that Schedule 12 of the Local Government Act 1972 sets out the rules for holding council meetings and that all those taking part in a council meeting should be physically present in the place where the meeting is taking place. Such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; being "present" at such a meeting involves physical presence at that location. Thus being "present" means in person.
- 19 The City Solicitor's advice therefore is that all participants (i.e. all those taking part in the meeting) – including officers would need to be physically present at one specified geographical location in order to comply with the legislation and the court ruling.
- 20 The High Court also ruled that provision must be made for Public attendance at meetings of Committees held under the provisions of the Local Government Act 1972. The Court also recognised that this should be provided and managed in line with current restrictions and public health advice.

21 So, in practical terms, we have no choice but to control the numbers of people physically in the meeting room at any one time to comply with the Government's Covid -19 restrictions in place. The general principle of members of the public pre-booking to attend a committee meeting in person has been established as an attempt to avoid any meetings being over-attended.

What are the key risks and how are they being managed?

22 The risk of transmission of the Covid-19 virus is greater the longer groups of people remain in one area together and on that basis our corporate risk assessment, informed by Health and Safety colleagues, is that meetings should be as short as possible but no longer than 1.5 hours.

23 However, where it is anticipated that a meeting will last longer, then a specific risk assessment of that meeting is required setting out additional mitigation measures including consideration of why other options (to shorten the meeting) are not a reasonable alternative.

24 Alternative options have included:

- Shorter agendas
- Additional meetings (to enable business still to be transacted)
- Items not requiring decisions to be held other than face to face

25 Additional mitigation measures include:

- Minimum movement of attendees within the room
- Consideration of encouraging use of Lateral Flow Tests prior to attending the meeting
- Maximum ventilation
- Breaks which enable attendees to leave the room and go outside for a period of time (say 15 mins)
- Regular cleaning of surfaces

Does this proposal support the council's three Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

26 Not applicable

Options, timescales and measuring success

What other options were considered?

27 In his letter to Council Leaders on 25th March 2021, Luke Hall, Minister of State for Regional Growth and Local Government commented;

“I recognise there may be concerns about holding face-to-face meetings. Ultimately it is for local authorities to apply the Covid-19 guidance to ensure meetings take place safely, but we have updated our guidance on the safe use of council buildings to highlight ways in which you can, if necessary, minimise the risk of face-to-face meetings, and we will work with sector representative bodies to ensure that local authorities understand the guidance and are aware of the full range of options available to them.”

“These options would include use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service, as these could be used these to minimise the number of meetings you need to hold if deemed necessary. Additionally, some of you will be able to rely on single member decision making without the need for cabinet meetings if your constitution allows.”

28 None of the options set out by the Minister were appropriate to the governance arrangements within Leeds.

How will success be measured?

29 The authority has little flexibility in proceeding with Face to Face meetings for formal decision making meetings. The approach will be kept under review as further announcements relating to social distancing are made by HM Government.

What is the timetable for implementation?

30 The arrangements for committee meetings were implemented with immediate effect following the expiry of the Remote meeting Regulations in May 2021.

Appendices

31 Appendix 1 - MHCLG - Local authority remote meetings: Call for Evidence Leeds City Council Response

Background papers

32 None.