

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	2 June 2021
Subject:	Local Authority Remote Meetings: Government Call for Evidence
Report of:	Head of Democratic Services
Corporate Lead:	Borough Solicitor
Lead Member:	Leader of Council
Number of Appendices:	None

Executive Summary:

Following the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 enabling meetings to be held remotely, the government has issued a consultation paper entitled 'Local Authority Remote Meetings: Call for Evidence'. This report provides details of the consultation with some suggested responses for consideration based on the experiences of the last year.

Recommendation:

To CONSIDER and APPROVE the response, if any, to be made to the consultation entitled Local Authority Remote Meetings: Call for Evidence.

Reasons for Recommendation:

To enable Members to consider a response to the consultation on remote meetings.

Resource Implications:

N/A.

Legal Implications:

None specifically relating to this report.

Risk Management Implications:

N/A.

Performance Management Follow-up:

N/A.

Environmental Implications:

There are environmental benefits to be derived from remote meetings particularly in relation to reduced travel.

1.0 INTRODUCTION

- 1.1** In response to the pandemic, the government introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which allowed for all Council meetings to be held remotely. These regulations came into force on 4 April 2020 and applied to meetings taking place before 7 May 2021.
- 1.2** The regulations were made under powers granted by section 78 of the Coronavirus Act 2020 and were brought in specifically to make express provision for local authorities in England, Wales and Northern Ireland to deal with the challenges of holding physical meetings during the coronavirus pandemic.
- 1.3** On 25 March 2021, the government published a consultation paper – Local Authority Remote Meetings: Call for Evidence - which asks a series of questions intended to understand the experience of local authorities regarding remote meetings. The consultation runs until 17 June.

2.0 BACKGROUND

- 2.1** While local authorities in Scotland had express provision to meet remotely prior to the coronavirus pandemic, there was no express provision for remote meetings, including hybrid meetings, for local authorities in England, Wales and Northern Ireland. In 2017, the government consulted on proposals to allow Joint Committees and combined authorities to hold meetings by video conference given the long distances that individual Councillors often need to travel in order to attend these meetings.
- 2.2** The government concluded that, with appropriate safeguards to maintain town hall transparency, there were clear benefits to giving local authorities operating Joint Committees and combined authorities the ability to hold formal meetings by video conference. These safeguards included not extending the provisions to cover other types of Councils and that remote access should only be permissible from sites suitable for holding a meeting with public access, as there was a risk of undermining visible democratic scrutiny and public debate.
- 2.3** The Association of Democratic Services Officers (ADSO) took a case to the High Court on the basis that the Local Government Act 1972 could be interpreted to allow virtual meetings. However, the Court ruled that local authority meetings must be open to the public in a physical sense. References in the Act to a meeting being ‘open to the public’ or ‘held in public’, in the Court’s view, meant the physical attendance by the public. The Court concluded that primary legislation would be required to enable virtual/hybrid meetings to be held.
- 2.4** As local authorities have now had extensive experience of conducting remote meetings over the past year, the call for evidence is an opportunity to understand these experiences and inform a decision about whether to make some permanent arrangements. Any permanent change would require primary legislation and the timescale would depend on the agreement of Parliament and the timetabling and pressures of Parliamentary business.

3.0 REMOTE MEETINGS AT THE COUNCIL

3.1 The last face-to-face meeting was the Planning Committee on 17 March 2020. Following this, investigations were undertaken to determine a suitable platform for the conduct of remote meetings, which included a number of county group meetings and testing of different platforms, from which it was concluded with IT colleagues that Zoom would best meet the requirements of the Council. From 17 March to 18 May all meetings were cancelled. On 19 May the first broadcast meeting on Zoom took place which was a meeting of the Planning Committee. Since that time, up to week ending 19 May 2021, there have been 47 Committee/Council meetings and 45 Working Groups/Panels on Zoom.

4.0 THE CONSULTATION DOCUMENT

4.1 The consultation document poses a series of questions which are set out below together with some suggested responses for consideration:

1. Generally speaking, how well do you feel the current remote meetings arrangements work?

- Very well
- Well
- Neither well nor poorly
- Poorly
- Very poorly
- Unsure

Whilst there were some initial teething problems with access and the technology, as this was a steep learning curve for all involved, the remote meetings have worked well and have enabled the Council to continue to conduct its business throughout the pandemic.

2. Generally speaking, do you think that local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

- Yes
- No
- Unsure

Yes, as it provides the flexibility to meet future challenges should the circumstances warrant the need for further remote (including hybrid) meetings.

3. What do you think are some of the benefits of the remote meetings arrangements? Please select all that apply.

- More accessible for local authority Members - *The Borough covers an area of 160 square miles with all face-to-face meetings taking place at the Council Offices in Tewkesbury which can involve car journeys of 30-45 minutes one way at peak travel times.*
- Reduction in travel time for Councillors – *As above.*

- Meetings more easily accessed by local residents – *At its peak 89 people viewed an application being debated by the Planning Committee which is in excess of the number that could be accommodated at the Council Offices. However, it is also the case that webcasting our normal meetings could have the same effect.*
- Greater transparency for local authority meetings – *As above.*
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online – *All such paperwork has been available online prior to the pandemic.*
- Easier to chair meetings in an orderly fashion – *Chairs have found it more difficult not being able to see all Members and relying on the raise your hand method featured within Zoom.*
- A virtual format promotes greater equality in speaking time during meetings – *There is no evidence to support this being any different to face-to-face meetings.*
- I do not think there are any benefits to remote meetings – *See above.*
- Other (please specify) – *Hybrid meetings in particular will provide the opportunity for Officers and Members not to travel to the office for meetings. This could potentially remove barriers for both Members and Officers, for example, in relation to the need to have a car available and meeting personal commitments in relation to caring responsibilities. In terms of officer recruitment, it potentially increases the field in which to attract applications if attendance at meetings in person is not required and home working is encouraged. In terms of the public, invited speakers, advisers from outside bodies, trainers and consultants' there are potentially reduced costs and increased convenience of joining meetings virtually. There are also environmental benefits to be gained from reduced car travel in terms of the climate change agenda.*

4. Have you seen a reduction in costs since implementing remote meetings in your authority?

- Yes
- No
- Unsure

In terms of travel in the year 2020/2021 only £92.34 was spent on Member travel from the budget of £9,500, giving a saving of £9,407.66. A further £623 was saved in April 2021 against a profiled budget for 2021/2022. However, increased manpower resources are necessary in terms of dedicated IT support.

5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome?

- It is harder for Members to talk to one another informally – *This has been a cause for concern amongst some Members who have found the inability to gauge the 'mood in the room' and informally meet to discuss a way forward on a matter to be a barrier to the efficient conduct of a meeting.*
- Meetings are less accessible for local authority Members or local residents who have a poor-quality internet connection – *There have been problems for some Members with internet connections and internet*

dropping out intermittently. Remote, including hybrid meetings, are entirely reliant on the technology working both in terms of participation and broadcast which in itself presents risks.

- Meetings are less accessible for local authority Members or local residents who are unfamiliar with video conferencing/technology – *Members have embraced the use of new technology and have received excellent support from IT staff but for some it has been challenging. For those Members of the public who do not have access to new technology there is a clear barrier to their participation.*
- There is less opportunity for local residents to speak or ask questions – *Arrangements for public participation have been made via Zoom with back-up plans in place to cater for any technical issues, however, we have experienced problems with telephone access to meetings resulting in participants being unable to be heard and speeches having to be read by Officers.*
- Some find it more difficult to read documents online than in physical format – *Members are supplied with hard copies of papers and this would apply to the public upon request. Where the provision of physical papers has not been an option it has been difficult to participate in the meeting and to simultaneously read relevant papers electronically.*
- Debate is restricted by the remote format – *Evidence to date does not support this; debate has taken place to the same level as face-to-face meetings.*
- It is more difficult to provide effective opposition or scrutiny in a remote format – *As above.*
- It is more difficult to chair meetings in an orderly fashion – *Whilst meetings have been well chaired, there have been challenges and added difficulties for remote chairs, as detailed above, in relation to not being able to see all participants, keep track of raised hands, refer to notes, discreetly seek Officer advice etc.*
- Virtual meetings can be more easily dominated by individual speakers – *There is no evidence to support that this is any different to face-to-face meetings and is dependent upon individual chairs.*
- It might enable democratically elected Members to live and perform their duties outside their local area on a permanent basis, therefore, detaching them from the communities they serve – *There is no evidence to support this view. Participation at public meetings is only one of the roles and responsibilities of Councillors.*
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is concluded – *No comment.*
- I do not think there are any disadvantages to remote meetings – *See above.*
- Other (please specify).

6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?
- *the opportunity to gauge the mood of the meeting.*
 - *informal discussion between Member Groups etc.*
 - *personal interaction between Members and the public.*
 - *ease of seeking Officer advice.*
7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?
- For all meetings.
 - For most meetings with a few exceptions (please specify).
 - Only for some meetings (please specify).
 - I think local authorities should be able to decide for themselves which meetings they should have the option to meet remotely.
 - I do not think local authorities should have the option to hold remote meetings for any meetings.
 - Unsure.

Local Authorities are diverse bodies and there is no one size fits all, therefore, it should be for each authority to decide for themselves which meetings they should have the option to meet remotely to best meet the needs of the communities they serve.

8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?
- In any circumstances
 - Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, coronavirus restrictions)
 - I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely.
 - I do not think local authorities should have the option to hold remote meetings under any circumstances
 - Other (please specify)
 - Unsure

As above local authorities are all very different in terms of diversity, community, geographical area etc. and therefore should be able to decide for themselves which circumstances they should have the option to meet remotely, which could be any circumstances.

9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

- Yes
- No
- Unsure

No, local authorities are best placed to make decisions which best meet the needs of their communities.

10. If Yes, do you have any suggestions for how your concerns could be mitigated/overcome?

N/A, however, if there were concerns that remote meetings could lead to a majority group avoiding scrutiny or abusing power in some way, the legislation could provide some intervention powers to be enacted should this occur.

11. In your view, would making express provision for English local authorities to meet remote particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

- Yes
- No
- Unsure

There have been challenges associated with remote meetings particularly in relation to technology but generally these have been overcome with individual arrangements i.e. IT support being available on a dedicated basis.

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 None.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 None.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 Included in report.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 Included in report.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: Local Authority Remote Meetings: Call for Evidence – published 25 March 2021.

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Appendices: None.