

# **WAVERLEY BOROUGH COUNCIL**

## **COUNCIL**

**20 OCTOBER 2020**

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**Title:**

**Review of Virtual Meeting Arrangements**

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**Portfolio Holder:** N/A

**Head of Service:** Robin Taylor, Head of Policy & Governance (Monitoring Officer)

**Key decision:** No

**Access:** Public

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### **1. Purpose and summary**

- 1.1 On 9 June 2020, the Council adopted Virtual Meeting Procedure Rules in line with the Regulations<sup>1</sup> for remote attendance at meetings which came into effect on 4 April 2020. At its meeting on 21 May 2020, the Standards Committee agreed to review the experience of holding virtual committee meetings with remote attendance by Members and Officers, and to make recommendations on changes to the Virtual Meeting Procedure Rules, if necessary, in the light of experience.
- 1.2 The Standards Committee also agreed to review the temporary arrangements for the planning committees, introduced to simplify the committee arrangements whilst holding virtual meetings.

### **2. Recommendation**

- 2.1 Having considered the report, the Standards Committee recommends to Council that, in view of the latest Government guidance on use of council buildings and general tightening of Covid-19 precautions until March 2021, the current arrangements for the EASTERN and WESTERN Planning Committees continue to the end of the council year on 7 May 2021.

### **3. Reason for the recommendation**

To review the arrangements as required by Council when adopted in June 2020.

### **4. Background**

#### **Virtual meeting arrangements**

- 4.1 The Coronavirus Act 2020, which came into force at the end of March 2020,

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<sup>1</sup> Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations

included provisions under section 78 for Regulations to allow more flexibility around requirements for local authority meetings than are set out in the Local Government Act 1972 and Local Government Act 2000. The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 came into effect on 4 April 2020.

- 4.2 The Regulations allow for some or all Members of a council committee (Full Council, a committee, or the Executive) to remotely access and attend a formal council meeting, and to take part in any vote and decision. The Regulations apply to all local authority meetings held before 7 May 2021, the date of the next local authority elections, and are not a permanent change to meeting arrangements.
- 4.3 The Regulations require that those Members attending remotely must be able to hear (and see, where practicable) the contributions of all other Members of the committee, whether they are physically present in the meeting or also attending remotely. Those attending physically must be able to hear (and see, where practicable) those who are attending remotely. Proceedings must also be broadcast, so that the public may also hear (and see, where practicable) the proceedings and the contributions of all attendees.
- 4.4 The effect of the Regulations on an Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially. It is considered that the Regulations, and therefore the standing orders, have an automatic amending effect on an authority's existing rules and can be applied immediately in order to run meetings remotely. Nonetheless it is regarded as good practice, even with express mandatory standing orders, to have these adopted formally. On the recommendation of the Standards Committee (STD26/19, 21 May 2020), at its meeting on 9 June 2020 the Council adopted Virtual Meeting Procedure Rules (attached at Annexe 1).
- 4.5 The Standards Committee is asked to consider the Virtual Meeting Procedure Rules and the experience to date of holding virtual meetings, and whether any changes are required to the Procedure Rules, or more informal practises and arrangements.

### **Temporary Governance Arrangements**

- 4.6 At the Council meeting on 9 June 2020, Council agreed temporary governance arrangements that anticipated a revised schedule of committee meetings that would use remote meetings sparingly and for matters considered to be critical to the Council's business. A 3-phase approach was agreed with an anticipated return to a full calendar of committee meetings by November 2020.
- 4.7 In practice, Waverley very quickly resumed a full committee schedule of virtual meetings with remote attendance by Members and Officers. As at 30 September, 32 virtual committee meetings have been held, including attendance by members of the public and exempt sessions where the press and public have been excluded.
- 4.8 Whilst the expectation of some in June was that meetings might 'return to normal' by the autumn, that clearly is not going to happen and would go against

government guidance, and regulations. [COVID-19: Guidance for the safe use of council buildings](#) (updated 9 September 2020) continues to recommend that where meetings can take place digitally, without the need for face-to-face contact, they should do so. Where council buildings need to be used for physical meetings, these meetings must be managed within the [current] social distancing guidance and principles. Given that the most recent (22 September 2020) government restrictions have been put in place until March 2021, the current arrangements for virtual meetings will remain in place at least until then, and most likely until the end of the Council year on 7 May 2021.

## **EASTERN and WESTERN Planning Committees**

- 4.9 Council on 9 June 2020 agreed to implement two new temporary planning committees (EASTERN and WESTERN) to replace the five existing planning committees (Joint Planning Committee, and Southern, Western, Eastern and Central Area Planning Committees) in order to streamline the planning committee decision-making arrangements whilst resources are stretched due to the impact of Covid-19.
- 4.10 The agreed Terms of Reference of the EASTERN and WESTERN planning committees are attached at Annex 2. The Council agreed to continue these arrangements to December 2020, with an interim review by the Standards Committee in September 2020.
- 4.11 Since 9 June, EASTERN Planning Committee has met six times, and WESTERN Planning Committee has met seven times. Each committee has met fortnightly in order to address the backlog of applications that built up during the initial hiatus between the national lockdown and virtual meetings being implemented.
- 4.12 Given the latest Covid-19 restrictions, and the need to continue holding meetings virtually until 31 March 2021 at the earliest, it is recommended that the Standards Committee asks Council to agree that the current arrangements are extended until the end of the current council year on 7 May 2021.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 Holding virtual meetings supports the objective of open participative governance, and ensures that the business of the Council continues despite the restrictions on holding meetings in person.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are staffing implications of holding virtual meetings in that they require an additional officer to be present to 'host' the Zoom meeting. This has been met within existing resources.

Both the Council Chamber and Committee Room 1 at the Council offices have been upgraded to Zoom Rooms, which will support holding hybrid meetings in the future once it is appropriate and safe to hold these.

### **6.2 Risk management**

- 6.2.1 Not having arrangements in place to enable essential decisions to be taken at this time will hamper the Council's ability to meet its legal responsibilities, particularly in relation to determining planning applications.
- 6.2.2 Whilst there are risks of IT failure impacting on meetings, this is primarily related to the reliability and resilience of individuals' own broadband connections rather than a corporate IT system.

### **6.3 Legal**

Any legal implications are discussed within the body of this report.

### **6.4 Equality, diversity and inclusion**

- 6.4.1 The ability for Members to attend meetings remotely has enabled the democratic processes of the Council to continue throughout the Covid-19 pandemic period and ensured that Members and officers who have been clinically shielding have not been excluded.
- 6.4.2 The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event. The participation of members of the public in meetings, particularly planning committees, has been maintained throughout.

### **6.5 Climate emergency declaration**

- 6.5.1 The ability for Members to attend council meetings remotely has reduced the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

## **7. Consultation and engagement**

- 7.1 N/A.

## **8. Other options considered**

- 8.1 Given the current Covid-19 situation, holding council meetings in person is not an option. Not holding virtual meetings would seriously impact on the decision-making capabilities of the Council, and is not a realistic option.

## **9. Governance journey**

- 9.1 Any recommendations from the Standards Committee will be forwarded to Council for consideration.

**Annexes:**

Annexe 1 – Virtual Meeting Procedure Rules

Annexe 2 – EASTERN and WESTERN Planning Committee Terms of Reference

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**Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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