

NORTH YORKSHIRE COUNTY COUNCIL
16 February 2022

Formal meetings of the authority's committees from 16 February 2022 onwards

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 PURPOSE OF REPORT

- 1.1 To enable County Council to determine how to hold formal committee meetings from 16 February 2022 onwards.

2.0 BACKGROUND

- 2.1 At the meeting on 17 November 2021, County Council Members agreed for recommendation to the Chief Executive Officer for approval:
- 1) The remote access, live broadcast informal meetings of the Council's committees continue with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members.
 - 2) The meetings of the Executive revert to in person meetings, if it is determined to be safe and practical to do so.
 - 3) The continued use of remote access, live broadcast informal meetings is reviewed periodically, taking into account the level of Covid-19 infections and hospitalisation, with a further report being considered at the Council meeting on 16 February 2022.
 - 4) That the meeting of the County Council on 16 February 2022 is held as an in person meeting, if it is determined to be safe and practical to do so.
 - 5) That the power be delegated to the Chief Executive Officer in consultation with the Leader to determine which committee meetings should be held virtually and which could be held physically, subject to consultation with the relevant committee chair.
- 2.2 On 17 November 2021, the Chief Executive Officer agreed the recommendations as set out in paragraph 2.1 above. A copy of the decision record is available via the following link - [Decision - Formal Meetings of the Authority's Committees | North Yorkshire County Council](#)
- 2.3 On 25 March 2021, the Ministry of Housing, Communities and Local Government issued a call for evidence regarding remote meetings, which closed after 12 weeks, roughly 6 weeks after the existing regulations lapsed – [Local authority remote meetings: call for evidence - GOV.UK \(www.gov.uk\)](#) Through the call for evidence, the Government sought to understand the experience of local authorities regarding remote meetings and invited their views on the advantages and disadvantages of making permanent express provision for remote meetings. A formal response from the Government is still awaited.

3.0 COMMITTEE MEETINGS HELD BETWEEN 19 MAY 2020 AND 14 JANUARY 2022

3.1 A total of 197 remote access, live broadcast meetings of the Council's committees were held from 19 May 2020 to 14 January 2022. The benefits associated with holding remote access, live broadcast meetings have previously been discussed but some headline figures are as below, comparing the years 2019/20 (meetings in person at County Hall, Northallerton) and 2020/21 (remote access meetings):

- An overall reduction in mileage claimed by councillors of 131,338 miles per annum
- An overall saving in travel claims of £55,221 per annum
- An estimated saving in terms of time not spent travelling to and from meetings of 5,013 hours or 668 working days per annum
- An overall saving in carbon dioxide emissions associated with reduced travel estimated to be 36.774 tonnes per annum.

3.2 Between 19 May 2020 and 14 January 2022, there were a total of 12,736 views of the 197 meetings on the Council YouTube site. This equates to an average of 65 views per meeting. The lowest number of views for a meeting was 6 (Thirsk and Malton Area Constituency Committee) and the highest number of views for a meeting was 1,647 (Police Fire and Crime Panel).

3.3 Four committee meetings have been held in person, since the March 2020 lockdown. These were: meetings of the Planning and Regulatory Functions Committee on 27 July 2021 and 28 September 2021; a meeting of the Police Fire and Crime Panel on 14 October 2021; and a meeting of the Executive on 30 November 2021.

3.4 These meetings were held in a Covid-safe manner with social distancing, hand cleansing and the wearing of face masks. Three were held in the Council Chamber at County Hall, Northallerton and one was held off site.

4.0 CONSIDERING HOW COMMITTEE MEETINGS ARE HELD IN THE LONGER TERM

4.1 The following paragraphs provide details of a number of issues that Councillors may wish to take into account when considering how committee meetings are held through to the 18 May 2022 meeting of the County Council.

4.2 North Yorkshire County Council is one of a number of local authorities continuing to hold committee and Council meetings remotely on an informal basis with the CEO using their emergency powers to make a decision in consultation with the relevant committee Members. The County Council has been doing so since 5 May 2021. Recently and in response to the spread of the Omicron variant, some councils have reverted back to remote meetings, including the City of York Council.

4.3 The County Council has a leadership role to play. As such, there is a question as to whether, as part of a return to more normal, pre- pandemic ways of living and working, the Council should be leading by example and hold committee meetings in person once again.

4.4 There is a heightened risk for those people who have pre-existing long term health conditions, who are over 60 years of age and who have not been fully vaccinated.

4.5 On 19 January 2022, the Government announced the intention to move from 'Plan B' to 'Plan A'. What this means is that:

- people will no longer be advised to work from home

- face coverings will no longer be mandatory in indoor venues (except communal areas in schools)
 - people are strongly encouraged to take up the offer of vaccination and boosters.
- 4.6 The position of the Government remains one of encouraging people to stay safe, limit the spread of the virus and return to more normal, pre-pandemic, ways of living and working. This is embodied in previous statements by the Prime Minister that we should now “learn to live with the virus”. It is also of note that schools, the hospitality sector, shops and gyms all remain open.
- 4.7 There are still high rates of infection in Yorkshire and Humber (the 7 day rate for North Yorkshire per 100,000 was 988 on 27 January 2022, compared to 972 for England as a whole), the booster vaccination programme has not yet been completed and we have a duty of care to councillors, employees and the public when holding meetings. In the words of the Government “individuals, employers and local leaders are urged to act cautiously and consider the risk of COVID-19 when moving back to Plan A”.
Source: [Coronavirus \(COVID-19\): guidance and support - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/coronavirus-covid-19-guidance-and-support)
- 4.8 As previously indicated in paragraph 3.3, four committee meetings have been held in person, since the March 2020 lockdown. The meetings were live broadcast and members of the public were able to remotely access the meeting using MS Teams. The audio visual support was provided by an external contractor, due to the timescales involved. In the longer term, the audio visual elements will be managed in-house by Technology and Change. The meetings were held in a Covid-safe manner with social distancing and hand cleansing in place and face masks worn. Those people attending were encouraged not to attend early and to leave promptly once the meeting had concluded.
- 4.9 The existing legislation in England (Local Government Act 1972) requires that committee Members be physically present at a committee meeting to be counted as part of the quorum and to be able to fully participate and vote. Advisers who are not members of the committee can take part virtually should they so wish and members of the public are entitled to physically attend the meeting (but there is no legal requirement for them to attend in person, even if they hold a particular role in relation to a meeting, for example an applicant on a matter).
- 4.10 It remains unclear whether local authorities in England will be given the power to determine for themselves how they hold their meetings. Primary legislation would be required to do this and indications are that the necessary Parliamentary time is not currently available.
- 4.11 Between October and November 2021, the Local Government Association conducted a survey of councils in England to understand the impact of the return to in-person meetings for councils after the expiry of Government Regulations in May 2021. In summary, the findings were that: councillor attendance was lower; public attendance and engagement was lower; and costs had increased. The full report can be found via the following link – [Impact of in-person council meetings survey October - November 2021 WEB.pdf \(local.gov.uk\)](https://www.local.gov.uk/sites/default/files/2022-01/Impact_of_in-person_council_meetings_survey_October_-_November_2021_WEB.pdf)
- 4.12 In previous discussions, a distinction has been made between those committees that make legally binding decisions and those that make recommendations. As part of a phased return to meetings in person, which still enables some of the benefits associated with remote access meetings to be accrued, then committees that make recommendations only could continue to be held remotely. This could include: all six Area Constituency Committees; the five thematic Overview and Scrutiny Committees; the Health and Wellbeing Board; the Outbreak Management Board; and possibly the Standing Advisory Committee on Religious Education; and the Local Access Forum.

5.0 INFORMAL MEETING OF THE EXECUTIVE MEMBERS ON 25 JANUARY 2022

5.1 At the informal meeting of the Executive on 25 January 2022, the Council's current decision-making arrangements were reviewed in light of the Covid-19 pandemic. Consideration was given to the future of remote access and in person meetings for the Council's committees. A number of issues were highlighted, as summarised below:

- It was acknowledged that the current informal approach does not enable committee members to be present in a meeting where they can cast a decision-making vote
- Considerable savings have been made in travel time, travel costs and carbon dioxide emissions as a direct result of holding meeting remotely as opposed to in-person. The savings in travel times have increased productivity and enabled both councillors and officers to do more
- Attendance by councillors and engagement by members of the public and the local press has increased since May 2020, as a direct result of the move from in-person to remote meetings
- The use of remote, live broadcast meetings is now the norm and represents a modern and inclusive way of working. To go back to holding all meetings in person at this point in time would be a retrograde step
- The Leader has consulted with the Conservative Group, Group Leaders and unaffiliated independents. In doing so, it has become apparent that there is a desire for some or all of the Council's formal meetings to continue to be held remotely
- There is an aspiration to get back to holding some meetings in person as quickly as possible but Covid-19 is still present across the county and it is right to be cautious
- There is a strong wish for the meetings of the Executive to go back to in person, as soon as is practicable
- Committee Chairs should be enabled to consult with the Leader and the CEO on a case-by-case basis to determine whether a meeting is held in person or continues to be held remotely. The views of the committee Chairs should be given considerable weight.

5.2 The Executive concluded that, considering the benefits of remote working, the ongoing concerns about Covid-19 infection rates, the move from 'Plan B' to 'Plan A', and the note of caution that had been sounded by the Government, remote access live broadcast committee meetings are continued for all of the Council's committees. Where a committee Chair feels that there would be some benefit associated with holding one more of the meetings of that committee in person, then they can raise the matter with the Leader and the CEO for consideration.

5.3 After taking into account the report, the views of the Executive Members and all relevant information, the Chief Executive Officer agreed, at the informal meeting on 25 January 2022, to recommend the proposals set out in section 12.0 of this report to County Council for consideration at their meeting on 16 February 2022.

6.0 CONCLUSION

6.1 In the absence of Regulations enabling local authorities to determine for themselves how they hold their committee meetings, consideration needs to be given to the approach in holding some or all of the Council's committee meetings in person. Committee meetings could be held in a Covid-safe way and accommodated in the Council Chamber at County Hall, the exceptions being County Council, Scrutiny of Health Committee and meetings of the Planning and Regulatory Functions Committee and Sub-Committee where there is significant public interest in attending. The meetings in person could be live broadcast and recorded.

- 6.2 The Council's remote access, live broadcast meetings commenced on 19 May 2020 with a meeting of the Executive. This was done in response to the pandemic and the government lockdown. The legal basis for this was the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These Regulations expired on 6 May 2021. Since that time, the meetings have continued with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. The basis for the use of the CEO emergency powers is the ongoing Covid-19 pandemic and the need to keep councillors, officers and member of the public safe.
- 6.3 County Council Members are asked to consider how the Council continues to hold its committee meetings.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The financial implications are set out in the body of this report.

8.0 LEGAL IMPLICATIONS

- 8.1 The legal implications are set out in the body of this report. It is noted that the Regulations which allowed virtual committee meetings to make decisions are no longer in force.

9.0 EQUALITIES IMPLICATIONS

- 9.1 The equality implications are set out in the body of the report. The live broadcast and recording of council meetings makes them more accessible to the public. An initial equality impact assessment screening form has been completed.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 There are no significant climate change implications arising from this report. However, allowing virtual meetings to continue will reduce carbon emissions by reducing the requirement to travel to meetings.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 With the an ongoing pandemic, the roll out of the national vaccination and booster programmes, the move from 'Plan B' to 'Plan A', no clear indication if or when regulations will be put in place to enable lawful remote access committee meetings to be held by local authorities in England and the recommendations of County Council Members on 17 November 2021 and the Executive Members on 25 January 2022, it is necessary to review the options for holding formal, public committee meetings going forwards.

12.0 RECOMMENDATIONS

That:

- 12.1 The remote access, live broadcast informal meetings of the Council's committees continue with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members

- 12.2 The continued use of remote access, live broadcast informal meetings is reviewed periodically, taking into account the level of Covid-19 infections and hospitalisation, with a further report being considered at the Council meeting on 18 May 2022.
- 12.3 That the meeting of the County Council on 18 May 2022 is held as an in person meeting.
- 12.4 That the power be delegated to the Chief Executive Officer in consultation with the Leader to determine which committee meetings should be held virtually and which could be held physically, subject to consultation with the relevant committee Chair.

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31 January 2022