

NORTH YORKSHIRE COUNTY COUNCIL

21 July 2021

Formal meetings of the authority's committees from 21 July 2021 onwards

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

1.0 PURPOSE OF REPORT

- 1.1 To present options for holding formal committee meetings from 21 July 2021 onwards to County Council and then make a proposal to the Chief Executive Officer for consideration under his emergency delegated powers.
- 1.2 Where an option includes the continuation of virtual informal meetings, County Council to consider making a recommendation for the Chief Executive Officer for consideration under his emergency delegated powers that not attending a physical meeting in person for a 6 month period (as opposed to continuing to attend virtual informal meetings) will not disqualify a county councillor under the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972.

2.0 BACKGROUND

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.
- 2.2 Following on from 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, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue as informal meetings of the Committee Members, 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.
- 2.3 The report which went to the meeting of the County Council on 5 May 2021, outlined a number of options for how formal, public meetings of the Council could be held following the expiry of the government regulations enabling lawful remote access meetings to be held.
- 2.4 At the meeting on 5 May 2021, County Council specifically resolved that:
 - a) the Council continues to hold remote live-broadcast committee meetings, with any formal decisions required being taken by the Chief Executive Officer under his emergency delegated powers;
 - b) that power be delegated to the Chief Executive Officer to:

- (i) make any decisions necessary to enable virtual meetings for members to continue (including considering the implications of the existing legal challenge once the judgement has been made),
- (ii) determine which committee meetings should be held virtually and which should be held physically.

3.0 COMMITTEE MEETINGS HELD BETWEEN 19 MAY 2020 and 6 MAY 2021

3.1 A total of 106 remote access, live broadcast meetings of the Council's committees were held from 19 May 2020 to 6 May 2021. 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
- An overall saving in travel claims of £55,221
- An estimated saving in terms of time not spent travelling to and from meetings of 5,013 hours or 668 working days
- An overall saving in carbon dioxide emissions associated with reduced travel estimated to be 36.774 tonnes per annum.

3.2 In addition, there has been a total of 6,597 views of the 106 meetings on the Council YouTube site. This equates to an average of 62 views per meeting.

4.0 COMMITTEE MEETINGS BETWEEN 7 MAY AND 21 JULY 2021

4.1 There are 36 committee meetings scheduled to be held between 7 May 2021 and 21 July 2021. All of these meetings have been or will be held as remote access, live broadcast informal meetings of the committee's Members. They are informal but held in public with the public still able to attend and ask a question or make a statement. Any formal decisions required are then taken by the Chief Executive Officer under his emergency delegated powers, taking into account the views of the committee Members and all relevant information. All such decisions are published on the Council website and circulated to all County Councillors and senior officers. Even where call in would not normally apply, in a spirit of openness and transparency, all of the decisions taken by the Chief Executive Officer under his emergency powers will be open to call in.

4.2 The majority of local authorities have returned to holding some meetings in person as of 7 May 2021.

5.0 MEETINGS TO BE HELD AFTER 21 JULY 2021

5.1 The Government regulations which explicitly allowed remote meetings to take place and permitted formal decisions to be taken at those meetings expired on 7 May 2021. The government call for evidence on remote access meetings closed on 17 June 2021. At this stage, there is no confirmation of, nor any timeframe for, the introduction of primary legislation to enable lawful remote access meetings of the Council, Executive and their committees.

5.2 It is anticipated that all adults will have had the first dose of the Covid-19 vaccine by 1 July 2021 and that all over-40s will have had their second dose by mid to late July 2021. There are concerns about Covid-19 transmission rates, in particular with the emergence of

new variants such as the 'Delta variant'. Also, the need for people to have two doses of the vaccine to have the fullest protection against new variants.

- 5.3 On 12 July 2021, the Government indicated that the vast majority of lockdown restrictions would be eased as of 19 July 2021. The requirement for social distancing, wearing of masks and restrictions on large gatherings will no longer apply and individuals will be expected to make informed decisions about how they protect themselves and manage any risk of infection. It is anticipated that the existing guidance on safe working and safe use of council buildings will be updated.
- 5.4 The Council has a requirement as an employer to ensure a safe working environment and also a 'duty of care' to those people accessing Council properties for meetings or other purposes. As such, local risk assessments will need to be undertaken and measures may be put in place. This may include a continuation of some aspects of the lockdown guidance in the safe use of council buildings [COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings) that advises that the following steps would be taken:
 1. Only those participants absolutely necessary should physically attend meetings and should maintain social distancing (2 metres apart or 1 metre with risk mitigation where 2 metres is not viable)
 2. Avoid transmission during meetings for example by not sharing pens, documents and other objects
 3. Provide hand sanitisers in the rooms
 4. Holding meetings in well ventilated rooms whenever possible
 5. Use floor signage to help people maintain social distancing.
- 5.5 If there is still to be some element of social distancing throughout July and beyond then it would only be practicable to hold formal public meetings of the Council's committees in the Council Chamber in the Brierley Building, Northallerton.
- 5.6 Consideration would need to be given as to how the November 2021 meeting of the County Council will be held.
- 5.7 When considering meetings to be held after 21 July 2021, there are a number of options, as outlined below:
 1. Carry on holding the remote access, live broadcast informal meetings with any formal decisions required by those committees subsequently being taken by the Chief Executive Officer under his emergency delegated powers, taking into account the views of the committee Members and all relevant information. This option assumes that the government will introduce new regulations that enable lawful remote access formal committee meetings to take place at some point later this year. At that point, the use of emergency delegated powers in this context would cease.
 2. Carry on holding remote access, live broadcast informal meetings, with decision-making by the Chief Executive Officer, as per option 1, whilst also developing a timetable for a return to all formal committee meetings being held physically in public by the end of the calendar year. This option assumes that the government will not introduce new regulations permitting lawful remote access committee meetings to take place in this calendar year.
 3. As per option 2, with an accelerated return to meeting in person (September 2021) for those committees that regularly make formal decisions, such as the Executive and the

Planning and Regulatory Functions Committee. This then significantly reduces the reliance upon the Chief Executive Officer using his emergency delegated powers.

4. Return to meeting in person for all formal, public committee meetings as of 22 July 2021, a return to the pre-pandemic position.

5. Return to meeting in person for those public meetings of the Council, Executive and their committees where formal decisions are made, as of 22 July 2021. All other committees, such as the Area Constituency Committees and the Overview and Scrutiny Committees, to continue to meet informally using remote access indefinitely. This may need to be reviewed where such a committee has to make a formal decision.

5.8 There are financial implications associated with the different ways that meetings are held. A meeting in person will incur travel costs, an opportunity cost associated with time spent travelling, an environmental cost, costs for the provision of a meeting room, and IT costs for the recording and/or broadcasting of the meeting. By contrast, the costs associated with a remote meeting are limited to staffing required to facilitate a live broadcast meeting.

5.9 Any option which includes the continuation of virtual informal meetings will require Full Council to give its agreement that not attending a physical meeting in person for a 6 month period (as opposed to continuing to attend virtual informal meetings) will not disqualify a county councillor under the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972. This is required as, since 7 May 2021, the meetings that have been attended by Members have been informal and so do not count towards their attendance record. As such, it is proposed that matters pertaining to the Covid-19 pandemic and any consequential decision to continue with virtual informal meetings would be considered an approved reason for any Member's failure to attend meetings of the Council for a period of six consecutive months from the date of their last attendance. This would not then count towards the operation of the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972. Therefore, Members will not automatically lose their position by not attending physical meetings in person (as opposed to virtual informal meetings) during this period.

6.0 MEETING OF THE EXECUTIVE MEMBERS ON 13 JULY 2021

6.1 The Executive Members considered the options listed at paragraph 5.7 at their meeting on 13 July 2021. A number of issues were highlighted as part of their discussions, as summarised below:

- The ability to continue with remote access live broadcast meetings after 7 May 2021 has been extremely helpful in enabling the Council to continue with its business.
- It is recognised that there are benefits to holding face to face meetings. In particular, how the committee functions and members interact during a contentious discussion or debate. As such, some meetings could be held in person, where appropriate and subject to agreement by the Leader and the Chief Executive Officer.
- New regulations are expected, if and when the necessary legislative time is made available, that will give local authorities the choice as to how they hold their meetings. At that point, a review of how meetings are held would be useful.
- There have been a number of advantages to working remotely and having live broadcast meetings (reduced travel time, reduced mileage claims, reduced carbon dioxide emissions, and greater openness and transparency).

- For the purposes of openness and transparency, it would make sense to continue with the live broadcast of committee meetings. For those held informally and remotely, this can continue to be done using MS Teams and the Council YouTube site. For those held in person, this would require some investment in new technology to enable filming and uploading.
- Review the position in September 2021, taking into account Covid-19 transmission, infection and hospitalisation rates in the county.
- Need to ensure that a dispensation is put in place so that County Councillors attending informal remote access meetings of the committees, which do not count towards their attendance figures, are not punished for having low attendance.

6.2 The Executive Members concluded that considering the benefits of remote working and the ongoing concerns about rising Covid-19 infection rates that remote access live broadcast committee meetings are continued with a formal review being undertaken in September 2021. The detailed recommendations are as specified at the end of the report.

6.3 After taking into account the report, views of the Executive Members and all relevant information, the Chief Executive Officer agreed, at the informal meeting on 13 July, to recommend the proposals set out in section 12.0 of this report to full Council for consideration.

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.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There are no significant climate change implications arising from this report. However allowing informal virtual meetings of committee Members to continue will reduce carbon emissions by reducing the requirement to travel to meetings.

10.0 CONSULTATION

10.1 Relevant Officers and Group Leaders have been consulted on how we hold committee meetings.

11.0 REASONS FOR RECOMMENDATIONS

11.1 With the effective roll out of the national vaccination programme, the easing of the national lockdown and 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, it is necessary to consider the options for holding formal, public committee meetings going forwards.

12.0 RECOMMENDATIONS

- 12.1 That Council recommend to the Chief Executive Officer to consider under his emergency delegated powers:
- 12.2 The adoption of Option 1, as outlined in para 5.7 of the report. That is to carry on holding the remote access, live broadcast informal meetings 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.
- 12.3 The continued use of remote access, live broadcast informal meetings is reviewed in September 2021 with a further report being considered at the Council meeting on 17 November 2021.
- 12.4 That the meeting of the County Council on 17 November 2021 is held as a remote access, live broadcast meeting.
- 12.5 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. As such and during this period, a face to face meeting could be held. This to be reviewed in September 2021 with a further report being considered at the Council meeting on 17 November 2021.
- 12.6 Full Council to give its agreement that not attending a physical meeting in person for a 6 month period (as opposed to continuing to attend virtual informal meetings) will not disqualify a county councillor under the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972.

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Background Documents:

The Council's Constitution

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

13 July 2021