

NORTH YORKSHIRE COUNTY COUNCIL
INFORMAL MEETING OF EXECUTIVE MEMBERS

12 October 2021

Formal meetings of the authority's committees from 17 November 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 17 November 2021 onwards to the Members of the Executive, for their consideration and then make a proposal to the Chief Executive Officer for recommendation, under his emergency delegated powers, to full Council.

2.0 BACKGROUND

- 2.1 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 to continue to hold remote live-broadcast committee meetings. These would then be informal meetings of the committee Members, with any formal decisions required being taken by the Chief Executive Officer (CEO) under his standing emergency delegated powers, taking into account the views of the committee Members and all relevant information. This position was reviewed at the informal meeting of the County Council Members, and subsequently agreed by the Chief Executive Officer, under emergency delegated powers, on 21 July 2021.
- 2.2 At the meeting on 21 July 2021, County Council agreed, for recommendation to the Chief Executive Officer for approval:
- a) 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.
 - b) 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.
 - c) That the meeting of the County Council on 17 November 2021 is held as a remote access, live broadcast meeting.
 - d) That 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.

- e) 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.

2.3 On 21 July 2021, the Chief Executive Officer agreed the recommendations as set out in paragraph 2.2 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](#)

3.0 COMMITTEE MEETINGS HELD BETWEEN 19 MAY 2020 AND 17 AUGUST 2021

3.1 A total of 141 remote access, live broadcast meetings of the Council's committees were held from 19 May 2020 to 17 August 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 Between 19 May 2020 and 17 August 2021, there were a total of 8,499 views of the 141 meetings on the Council YouTube site. This equates to an average of 60 views per meeting. The lowest number of views for a meeting was 10 (Pension Fund Committee) and the highest number of views for a meeting was 395 (Executive).

3.3 Two meetings have been held in person, in the Council Chamber at County Hall, Northallerton since the March 2020 lockdown. These were meetings of the Planning and Regulatory Functions Committee on 27 July 2021 and 28 September 2021. The decision was taken to hold these in person due to the public interest in the planning application being considered.

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 Executive may wish to take into account when considering how committee meetings are held.

4.2 North Yorkshire County Council is only one of a small number of local authorities continuing to hold committee and Council meetings remotely on an informal basis with the CEO using his emergency powers to make a decision in consultation with the relevant committee.

4.3 Members will need to consider whether they are happy to follow the approach of the CEO taking formal decisions on an ongoing basis for the future.

4.4 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.

- 4.5 With regard to Covid-19 infections, whilst infection rates are high the rate of serious illness and hospitalisation is lower than last year. At this stage, it is unclear whether cooler autumnal weather and the return of children and young people to school will also result in an increase in infection rates.
- 4.6 On 14 September 2021, Government's 'Covid-19 Response: Autumn and Winter Plan 2021' was published. Included is a 'Plan B', which will be implemented should the NHS come under unsustainable pressure in autumn and winter. The Plan B may include, in settings yet to be determined: mandatory vaccine certification; mandatory face coverings; and advice to work from home.
- 4.7 Vaccination rates are increasing, as are the number of people who have received a second dose. The NHS is delivering a programme of booster doses to people aged over 50 years and those considered to be at risk due to a long term health condition. Vaccination significantly reduces the chances of someone becoming seriously ill but does not eliminate that risk, particularly for people with other long term health conditions. There is also the risk that further variants will emerge over time that are less affected by the vaccines that have been administered to date. 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.
- 4.8 Two formal committee meetings in person have been held to date since the March 2020 lockdown. These were meetings of the Planning and Regulatory Functions Committee. 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. This will be funded via savings in mileage claims by councillors and officers associated with remote access meetings.
- 4.9 The meeting of the Planning and Regulatory Functions Committee was 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.
- 4.10 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).
- 4.11 The Government issued a 'call for evidence' on local authority remote meetings on 25 March 2021. The closing date for submissions was 17 June 2021. A submission was made on behalf of the County Council. Whilst the Rt Hon Robert Jenrick, when Secretary of State for Housing, Communities and Local Government, expressed support for legislation to enable local authorities in England to decide for themselves how they hold their meetings, there is still no indication as to whether there is wider government support for this and whether the necessary Parliamentary time will be made available.
- 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 Howardian Hills AONB; the Standing Advisory Committee on Religious Education; and the Local Access Forum.

5.0 CONCLUSION

5.1 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 and also have the option for officers and members of the public to attend remotely, where appropriate.

5.2 The Executive are asked to consider making recommendations on continuing with remote meetings or reverting to some or all in person meetings.

6.0 FINANCIAL IMPLICATIONS

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

7.0 LEGAL IMPLICATIONS

7.1 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 is no longer in force.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 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.

9.0 REASONS FOR RECOMMENDATIONS

9.1 With the effective roll out of the national vaccination programme, the removal of lockdown restrictions, 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 21 July 2021, it is necessary to review the options for holding formal, public committee meetings going forwards.

10.0 RECOMMENDATIONS

10.1 That the members of the Executive review the Council's current decision-making arrangements in light of the Covid-19 pandemic, and consider the future of remote access and in person meetings for the County Council. That the members of the Executive then make a proposal to the Chief Executive Officer for recommendation, under his emergency delegated powers, to full Council for review at their meeting on 17 November 2021.

BARRY KHAN
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County Hall
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1 October 2021