

INFORMAL MEETING OF COUNTY COUNCIL

17 November 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 County Council and then make a proposal to the Chief Executive Officer for consideration under his emergency delegated powers.

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 (before the expiry of the Regulations) 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 informal 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.

3.0 COMMITTEE MEETINGS HELD BETWEEN 19 MAY 2020 AND 15 OCTOBER 2021

- 3.1 A total of 172 remote access, live broadcast meetings of the Council's committees were held from 19 May 2020 to 15 October 2021.
- 3.2 The rationale for holding the Council's committee meetings remotely has been one of responding to the pandemic and government lockdowns and keeping councillors, officers and members of the public safe.
- 3.3 There have been other benefits associated with holding remote access, live broadcast meetings. These 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.
- 3.4 Between 19 May 2020 and 15 October 2021, there were a total of 11,553 views of the 168 meetings on the Council YouTube site. This equates to an average of 69 views per meeting. The lowest number of views for a meeting was 7 (Pension Board) and the highest number of views for a meeting was 1,486 (Police Fire and Crime Panel).
- 3.5 Two formal committee 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. In addition, an in-person meeting of the Police Fire and Crime Panel was held at the Police and Fire HQ in Northallerton on 4 November 2021.
- 3.6 These meetings were held in a Covid-safe manner with social distancing, hand cleansing and the wearing of face masks.

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 County Council Members 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 members.
- 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.
- 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. The following is the link to the plan - [COVID-19 Response: Autumn and Winter Plan 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/covid-19-response-autumn-and-winter-plan-2021)
- 4.7 Vaccination rates are increasing and 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 long term health conditions.
- 4.8 The working assumption is that any meetings in person that are held will be live broadcast and recorded.
- 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 Despite the Government 'call for evidence' on local authority remote meetings in England in March 2021, there is still no indication as to whether there is wider government support for the introduction of legislation to permit remote committee meetings and whether the necessary Parliamentary time will be made available. Local authorities in Wales and Scotland are able to determine how they hold their meetings due to separate legislation.
- 4.11 In previous discussions, a distinction has been made between those committees that make legally binding decisions and those that make recommendations.

5.0 INFORMAL MEETING OF THE EXECUTIVE MEMBERS ON 12 OCTOBER 2021

5.1 At the informal meeting of the Executive on 12 October 2021, 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 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 face to face meetings as quickly as possible but Covid-19 is still present across the county and infection rates are high and rising
- It is hoped that the February 2022 County Council meeting, at which the annual budget is considered, will be held in person
- There is a strong wish for the meetings of the Executive to go back to in person as of the next meeting in November 2021
- 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.

- 5.2 The Executive concluded that, considering the benefits of remote working and the ongoing concerns about rising Covid-19 infection rates, remote access live broadcast committee meetings are continued for all of the Council's committees with the exception of the Executive, which could start to meet in person again. 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 The criteria against which the Leader and CEO would consider a request for a committee meeting to be held in person was not specified at the informal meeting of the Executive Members. It is reasonable to suggest, however, that key considerations would include: the local rates of covid infection and hospitalisation and so the public health risks to councillors, officers and members of the public; the matters being considered at the meeting and the level of public interest; and the views of the committee members.
- 5.4 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 12 October 2021, to recommend the proposals set out in section 11.0 of this report to full Council for consideration.

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 members safe. As such, considerations regarding travel time, costs and carbon dioxide emissions are not directly relevant to the decision as to whether meetings should be continue to be held remotely.

6.3 County Council Members are asked to consider making recommendations on continuing with remote meetings or reverting to some or all in person 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 **CLIMATE CHANGE IMPLICATIONS**

9.1 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.

10.0 **REASONS FOR RECOMMENDATIONS**

10.1 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 and the Executive Members on 12 October 2021, it is necessary to review the options for holding formal, public committee meetings going forwards.

11.0 **RECOMMENDATIONS**

That Council Members recommend to the Chief Executive Officer to consider under his emergency delegated powers:

11.1 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.

11.2 The meetings of the Executive revert to in person meetings.

11.3 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.

11.4 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.

11.5 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.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

County Hall
NORTHALLERTON

2 November 2021