

Report of the City Solicitor to the meeting of the Governance and Audit Committee to be held on 20 August 2020

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Subject:

Council Meetings Coronavirus Governance Review

Summary statement:

This report presents an overview of delivering meetings in the democratic decision making structure since the beginning of the Coronavirus period when Government regulations and guidance meant that meetings could not be held physically in a meeting room and the introduction 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 permitted meetings to take place remotely.

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Overview & Scrutiny Area:

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1. SUMMARY

This report presents an overview of delivering meetings in the democratic decision making structure since the beginning of the Coronavirus period when Government regulations and guidance meant that meetings could not be held physically in a meeting room and the introduction 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 permitted meetings to take place remotely.

This report is being considered by the Governance and Audit Committee due to its role in overseeing the governance framework of the Council.

2. BACKGROUND

On 16 March 2020 the Government announced that it was bringing in measures in response to the global COVID-19 pandemic stating that everyone should avoid gatherings. This meant that it was no longer possible to hold the Council's democratic decision making committees/panels physically in meeting rooms. The Government announcement was followed by the publication 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 enabling meetings to be held remotely. The Council's IT Services worked with Public-i so that a means of delivering meetings remotely was procured and the Council's Legal and Democratic Services drafted protocols ensuring that the remote meetings would be held lawfully.

3. DELIVERY OF MEETINGS HELD REMOTELY

3.1 In the democratic decision making arrangements the following is the position on holding meetings remotely:

Full Council – There is an Extraordinary meeting of Council arranged for the 8 September 2020 to consider the outcome of the consultation on devolution for West Yorkshire. Currently meetings of Council are only being arranged when there is time limited business to consider. However, there are certain functions that only Council can undertake such as setting the budget and approving the policy framework.

Executive – The Executive was the first of the Council's meetings to be delivered remotely and has met monthly since the start of this period.

Overview and Scrutiny Committees – To begin with Overview and Scrutiny was being continued but outside of the formal meeting structure with priority inevitably being given to Health and Social Care Overview and Scrutiny Committee and Children's Services Overview and Scrutiny Committee given the COVID-19 situation. Health and Social Care Overview and Scrutiny Committee was the first to meet remotely but since then all of the Overview and Scrutiny Committees have met remotely. In total there will have been 9 Overview and Scrutiny Committee

meetings by the time this meeting takes place.

Area Committees – Only the Bradford South Area Committee has met in public so far but other Area Committees have participated in remote training and briefing sessions.

Regulatory and Appeals Committee – This Committee has met monthly since May and has undertaken the decision making on behalf of the Area Planning Panels. There will be two meetings of the Committee in August given the volume of planning applications to be considered and the experience of having met for a full day during hot weather which proved to be an arduous experience for Members of the Committee, the public participants and officers presenting the planning applications and servicing the meeting.

Licensing Panel – So far 5 meetings of the Panel have been arranged. This is probably the most complex meeting to deliver given the statutory arrangements in place and the need for applicants and interested parties to be able to contribute to the proceedings.

Corporate Parenting Panel – Has met twice so far and for its next meeting consideration is being given as to how Looked After Children can be enabled to participate.

Governance and Audit Committee is continuing to meet in accordance with its schedule and this is the second meeting to take place remotely.

Health and Wellbeing Board – the last meeting had to be postponed but has been re-scheduled for 25 August.

Schools Forum – The Forum has met and again this is a complex meeting to deliver remotely given the number of participants.

West Yorkshire Pension Fund – Meetings of both the Pension Board and the Joint Advisory Group have been undertaken remotely in the public domain.

Employee Appeals Panel/Education Appeals Panel – These meetings don't take place in the public domain due to the confidential information considered so are held remotely in private. The issue here has been to ensure that appellants are facilitated to participate even though they may not have the IT provision to participate remotely to ensure that all appellants are treated equitably.

- 3.2 Other local authorities in West Yorkshire are also delivering meetings remotely. The number of meetings being delivered remotely by each Council varies considerably and depends upon priorities in the democratic arrangements delivered by each Council. Only Kirklees and Leeds Councils in West Yorkshire have held Full Council meetings since the start of this period.
- 3.3 There have been connectivity issues in delivering meetings remotely. In a couple of instances this was due to the remote platform not being available which has led to a delayed start to meetings but other connection issues have been due to participants own IT provision. The Council's IT Service and Public-i have both been very

supportive in diagnosing and resolving the issues. All councillors have undertaken training to enable them to participate in meetings held remotely.

- 3.4 Although the Regulations are time limited and cease to apply to meetings held after 7 May 2021 the Local Government Association supports the extension of the Regulations and it may be that remote meetings become a continuing feature of local authority democratic decision making.
- 3.5 During the current pandemic the Regulations enable the Council to ensure that the health and safety of councillors, officers, and members of the public is protected by not holding meetings physically and holding meetings remotely instead. Government guidance is that meetings should be conducted remotely.
- 3.6 With the introduction of additional restrictions in the Bradford district area on 31 July 2020, the Council has been urging people to follow government guidance and work together to beat the virus and prevent even further restrictions being imposed.

4. FINANCIAL & RESOURCE APPRAISAL

There are no financial issues arising from this report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The risk of physically holding meetings in a meeting room is being continuously assessed during this period in accordance with Government regulations and guidance. Government guidance is in place for the safe use of Council buildings. When meetings are delivered remotely the governance is undertaken in accordance with the statutory arrangements in place. Governance, for example, must ensure that the meeting is quorate, and that there is decision making clarity with councillors having heard the full debate on a matter before voting, so that all councillors have made their decision on the basis of the same facts and representations.

6. LEGAL APPRAISAL

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 permits the Council to hold meetings remotely so long as Members can be heard, and where practicable seen, by other Members and the public attending the meeting. Government guidance is that meetings should be held remotely at the present time. Any move to holding physical meetings would have to be carefully assessed taking into account regulations, guidance, and the public sector equality duty.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Holding meetings remotely does have the advantage of making the Council's democratic decision making more accessible and transparent for many residents, including those with a disability who would find it challenging attending a meeting in a physical location. There are currently equalities issues in holding meetings physically as Coronavirus is known to disproportionately affect the elderly, some ethnic groups, some disabled groups and men.

7.2 TRADE UNION

None.

7.3 WARD IMPLICATIONS

All Wards.

7.4 IMPLICATIONS FOR CORPORATE PARENTING

Meetings of the Corporate Parenting Panel are being delivered remotely.

7.5 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 The report can be noted,.

10. RECOMMENDATIONS

10.1 That the report be noted; and

10.2 That a further report be presented to this Committee following the Extraordinary meeting of Council on 8 September 2020.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

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

Regulations 2020.