

# **Report of the City Solicitor to the meeting of the Governance and Audit Committee to be held on 22nd October 2020**

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## **Subject:**

**Council Meetings Coronavirus Governance Review – Ordinary Meetings of Full Council**

## **Summary statement:**

Reports have been presented to this Committee on 20 August and 17 September 2020 presenting an overview of delivering meetings in the democratic decision making structure since the beginning of the Coronavirus period. 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. The first meeting of full Council, an Extraordinary meeting, was held on 8 September 2020. This report considers whether it is feasible to deliver an Ordinary meeting of Council.

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**Overview & Scrutiny Area:**

**Corporate**

## **1. SUMMARY**

Reports have been presented to this Committee on 20 August and 17 September 2020 presenting an overview of delivering meetings in the democratic decision making structure since the beginning of the Coronavirus period. 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. The first meeting of full Council, an Extraordinary meeting, was held on 8 September 2020. This report considers whether it is feasible to deliver an Ordinary meeting of Council.

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 interim standing orders and protocols to ensure that the remote meetings would be held lawfully.

## **3. ORDINARY MEETINGS OF COUNCIL**

- 3.1 Since the Coronavirus period began this Council has held its first full Council meeting on 8 September 2020. It was an Extraordinary meeting of Council to consider the resolution of the Executive on the consultation undertaken on West Yorkshire Devolution. A further Extraordinary meeting of Council is to be held on 10 November 2020 to consider the next stage of West Yorkshire Devolution. Also required to set the Council's Budget for the next financial year is a meeting of Council scheduled for 18 February 2021.
- 3.2 When it was possible to hold meetings of Council physically in the Council Chamber at City Hall, Bradford there were scheduled each year 7 meetings of Council consisting of the Annual Meeting of Council, the Budget meeting of Council and 5 Ordinary meetings of Council. The arrangements for holding Ordinary meetings of Council are set out in the Council's Constitution at Part 3A.
- 3.3 Council Standing Orders (as unaltered by the interim standing orders) specify that an Ordinary meeting of Council has the following agenda items in addition to the procedural matters:

- a) The Lord Mayor's Announcements – this document is circulated at the start of the meeting in paper form.
- b) Petitions – up to 5 petitions can be received. At least two of the petitioners must be present for each petition but up to 5 petitioners for each petition can attend and a representative of the petitioners can speak on their petition for up to 5 minutes. Potentially this means that 25 members of the public may be present.
- c) Public Question Time – up to 5 members of the public may attend to ask a question. Those 5 members of the public may be supported by another resident who may ask the question on their behalf.
- d) Membership of Committees – changes if notified in advance are contained in a document circulated at the start of the meeting or indicated verbally during the item.
- e) Report by the Leader of Council - this document is circulated at the start of the meeting and Members have 15 minutes during which to ask questions on the content of the Leader's report.
- f) Member Question Time – 30 questions from Members received 7 working days before the Council meeting can be accepted for answering plus a priority question from each of the political groups. Answers to the questions are contained in a document circulated at the start of the Council meeting and during the item each questioner can ask a supplementary question which is then responded to by a portfolio holder.
- g) Recommendations from the Executive and Committees – these often include referrals from the Governance and Audit Committee.
- h) Motions – the receipt of motions by the City Solicitor has to happen 7 working days before the date of the Council meeting and appear on the published agenda. Amendments to those motions have to be submitted by 1000 on the day of the Council meeting and are circulated to Members via e-mail and a paper copy at the start of the Council meeting.
- i) Other items – these include matters such as the approval of documents that come under the Council's policy framework and the Council's Pay Policy Statement.

3.4 The arrangements for holding Ordinary meetings of Council as set out in Standing Orders raise the following issues:

- a) Holding meetings remotely it is not possible to circulate paper documents at the start of the meeting.
- b) The deadlines set out for the submission of amendments to motions and the receipt of documents that are circulated at the start of the meeting are on the day of the Council meeting and it would not be possible to ensure that all Members were able to receive and read all the documents given the short timescale.
- c) Public participants in addition to the Members, officers supporting the meeting from the Council and Public-i would mean that more people in excess of 100) would need to access the remote meeting platform placing additional pressure upon delivering the meeting remotely.
- d) Delivering meetings remotely is demanding on resources. The delivery of the remote Extraordinary meeting of Council necessitated considerable preparation. This included preparatory sessions for all Members of Council

and individual support provided for Members by the Council's IT Service and its partner in delivering meetings remotely, Public-i. From the governance staff's perspective implementing the current arrangements for ordinary meetings of Council would involve a level of complexity far greater than the Extraordinary meeting of Council involved.

- e) Consideration has to be given to the length of meetings remotely. Experience has shown that long meetings held remotely place heavy demands on the participants and keeping the current ordinary meeting of Council arrangements in place could potentially lead to long meetings.

#### **4. DELIVERING ORDINARY MEETINGS OF COUNCIL IN A SIMPLIFIED WAY**

- 4.1 Given the issues raised in delivering ordinary meetings of Council in accordance with the pre-pandemic arrangements set out in Standing Orders, further interim changes could be made by the City Solicitor to alter how the business is considered dependent on the views from members.
- 4.2 The first of these would be to amend all the timescales involved so instead of there being deadlines on the day of the Council meeting the deadline would be changed to two working days before the ordinary Council meeting (1000 on the Friday before the ordinary Council meeting at 1600 on the Tuesday). This would be applied to the following:
- Amendments to Recommendations from the Executive and Committees
  - Amendments to the Recommendations on any other items of business (the above are already implemented in the interim standing orders)
  - Lord Mayor's Announcements (the Lord Mayor could verbally make any addition at the meeting in her comments)
  - Membership of Committees (again any additions can be made by the Group Whips verbally at the meeting)
  - The Report of the Leader of Council
  - Answers to the questions submitted for Member Question Time
  - The responses to any questions to be asked during Public Question Time
- 4.3 Given the number of participants the remote meeting platform can accommodate it is advised that the number of petitions received should be reduced from 5 to 3. A representative of each petition would be able to speak to their petition for 5 minutes as usual. Given the connectivity issues always possible when members of the public participate in remote meetings petitioners should be invited to submit a written statement which would be circulated to Members in advance following 1000 on the Friday preceding. It would be agreed with the Group Whips in advance where the petitions would be referred to or noted and Members of Council would be asked to agree those referrals or noted petitions as appropriate at the meeting.
- 4.4 Again it is suggested that Public Question Time be reduced from 5 questioners to 3. The public questioner would read their question out in the remote meeting of Council and then the response would be read out.
- 4.5 Questions on the Leader of Council's Report could still be responded to within the 15 minute timescale by the Leader with the leader of the largest opposition group

being called to ask a question first, followed by the Leader of the third largest group. However, with the Leader of Council's report having been published following the 1000 deadline the Friday before any Member wishing to ask the Leader a question would have to submit the question to the City Solicitor by 1000 on the Monday the day before the meeting of Council.

- 4.6 For Member Question Time the answers to the questions could be circulated after 1000 on the Friday before the Tuesday meeting of Council. Members would be asked to receive the document containing the questions and answers at the meeting. It is advised that supplementary questions not take place.
- 4.7 Recommendations from the Executive and Committees could be moved and seconded without debate unless a debate is requested by at least 5 Members before the 1000 deadline on the Friday before the Tuesday meeting of Council.
- 4.8 The same deadline can apply for the submission of motions (7 working days before the meeting of Council). It is suggested that one motion be accepted by the City Solicitor from each political group and from any member who is not a member of a political group so long as that member has a seconder for their motion. It is suggested that amendments be not permitted so only a vote would take place on the motion. This would assist with keeping the new electronic voting procedure simpler and more manageable within the context of a virtual meeting.

## **FREQUENCY OF ORDINARY MEETINGS OF COUNCIL**

- 5.1 If this Committee supports the holding of ordinary meetings of Council remotely consideration will need to be given to the frequency. If this had been a normal municipal year there would have been three ordinary meetings of Council remaining in December, January and March. It is suggested that if Members are minded that ordinary meetings of Council should recommence that a meeting be held on Tuesday 8 December 2020 and that a report reviewing the meeting be considered by the Governance and Audit Committee at its meeting on 21 January 2021. Members' views are sought.

## **ELECTRONIC VOTING**

- 6.1 A feature of the Extraordinary meeting of Council was the first use by this Council of electronic voting. In a meeting of Council held physically in the Council Chamber at City Hall voting is undertaken by a show of hands (unless a recorded vote is undertaken). Undertaking a vote in a remote meeting cannot be undertaken by a show of hands as only the Lord Mayor and whoever is speaking at the time are visible to those viewing the meeting online to protect bandwidth. There is also only a maximum of 25 people that can be seen on the screen at the same time so not all Members could be observed in a vote undertaken by a show of hands. Officers supporting the meeting are able to monitor the electronic voting to ensure that it is working correctly.

It was only necessary to undertake two votes at the Extraordinary meeting of Council (on supporting the Executive resolution and an amendment) but at an

ordinary meeting of Council there would need to be a considerable number of votes taken electronically which will delay proceedings.

## **7. FINANCIAL & RESOURCE APPRAISAL**

There are no financial issues arising from this report.

## **8. RISK MANAGEMENT AND GOVERNANCE ISSUES**

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. If revised arrangements to deliver Ordinary meetings of Council are considered necessary then Standing Orders in the Council's Constitution will need to be further amended by the City Solicitor.

## **9. 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 suggestion of holding physical meetings would have to be carefully assessed taking into account the regulations and guidance in force at that time, and the public sector equality duty.

## **10. OTHER IMPLICATIONS**

### **10.1 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.

### **10.2 TRADE UNION**

None.

### **10.3 WARD IMPLICATIONS**

All Wards.

#### **10.4 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None.

#### **11. NOT FOR PUBLICATION DOCUMENTS**

None.

#### **12. OPTIONS**

12.1 The Committee can:

- (i) note the report and advise that ordinary meetings of Council should not be held during this Coronavirus period;
- (ii) advise that ordinary meetings of Council be held in accordance with the current arrangements set out in Standing Orders and the frequency be determined by the City Solicitor in consultation with the Lord Mayor and Leader of the Council.
- (iii) advise that ordinary meetings of Council be held on the basis of the suggested changes to the arrangements and that the City Solicitor further amend Council Standing Orders after consulting with the Lord Mayor and Leader of the Council following consultation on the proposals with the political group leaders and group whips of the three largest groups.

#### **13. RECOMMENDATIONS**

**13.1 That the Committee is asked to advise whether it is considered feasible to hold ordinary meetings of Council during this pandemic period and, if so, whether those meetings should be held on the basis of the current arrangements set out in Standing Orders in the Council's Constitution or the City Solicitor be recommended to deliver revised arrangements and introduce further interim amendments to Standing Orders as set out in the report after consulting with the Lord Mayor and Leader of the Council after consultation on the proposals with the political group leaders and group whips of the three largest groups.**

#### **14. APPENDICES**

None

#### **15. BACKGROUND DOCUMENTS**

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