



## **Report of the City Solicitor to the meeting of the Governance and Audit Committee to be held on 21 January 2021**

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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, 17 September and 22 October 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. On 8 December 2020 the first ordinary meeting of full Council was held under arrangements proposed by this Committee. This report reviews the delivery of the ordinary meeting of Council.

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### **Portfolio:**

**Corporate**

### **Overview & Scrutiny Area:**

**Corporate**

## **1. SUMMARY**

Reports have been presented to this Committee on 20 August, 17 September and 22 October 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. On 8 December 2020 the first ordinary meeting of full Council was held under arrangements proposed by this Committee. This report reviews the delivery of the 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. REVIEW OF THE ORDINARY MEETING OF COUNCIL**

- 3.1 At the meeting of this Committee held on 22 October 2020 consideration was given how to deliver an ordinary meeting of Council through bringing in further revisions to the interim Standing Orders.
- 3.2 Interim Council Standing Orders were amended as follows:
  - a) The Lord Mayor's Announcements – instead of being circulated at the start of the meeting in paper form this document was e-mailed to all councillors in advance of the meeting.
  - b) Petitions – up to 3 petitions can be received instead of the previous number of 5. Petitioners were asked to provide a written statement which was circulated to councillors in advance of the meeting. Consultation was undertaken with the group whips of the three largest political groups on where the petitions should be referred to (if anywhere). This prior consultation before the meeting meant that it was not necessary for a vote to take place at the meeting. Of the three petitions one petition was withdrawn

- as the petitioners considered the matter to have been resolved. Representatives of the two petitioners attended the remote meeting to speak to their petitions and were supported by a Governance Officer but then one of the petitioners was unable to participate. The Lord Mayor announced where the petitions would be referred to.
- c) Public Question Time – up to 3 members of the public may attend to ask a question instead of the previous number of 5. No requests were received by the deadline.
  - d) Membership of Committees – notification of changes in advance by 1000 the Friday before were then circulated to all councillors by e-mail. Group whips could notify any further changes verbally during that item at the meeting
  - e) Report by the Leader of Council - Members had 15 minutes during which to ask questions on the content of the Leader's report which had been circulated to all councillors immediately following the 1000 deadline the Friday before. Those Members wishing to ask the leader a question were asked to notify the intent by 1000 the day before the Council meeting.
  - f) Member Question Time – 30 questions from Members received 7 working days before the Council meeting were accepted for answering plus a priority question from each of the political groups as usual. For Member Question Time the answers to the questions were circulated after 1000 on the Friday before the Tuesday meeting of Council. Members who were asking a question could then ask a supplementary question to be received no later than 1000 the day before the meeting of Council. At the meeting each Member asked their supplementary question and received a response from the portfolio holder.
  - g) Recommendations from the Executive and Committees – there were six recommendations to consider from the Executive and Governance and Audit Committee. Amendments to the recommendations had to be received by 1000 the Friday before the meeting. Recommendations were moved and seconded without debate unless a debate had been requested by at least 5 Members before the 1000 deadline on the Friday before the Tuesday meeting of Council. No amendments or debates were submitted.
  - h) Motions – the deadline for the receipt of motions by the City Solicitor stayed as 7 working days before the date of the Council meeting and appeared on the published agenda. One motion could 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. Amendments were not permitted so only a vote would take place on the motion. Three motions were received and as each motion was concerning the pandemic a combined debate was agreed by the political group whips with a separate vote on each motion.
  - i) Other items – There was one other item on the Honorary Recorder and the recommendation was agreed without debate.

#### 4. ELECTRONIC VOTING

- 4.1 Electronic voting was first undertaken by this Council at the Extraordinary meeting of Council on 8 September. At that meeting it was only necessary to undertake two votes electronically and at the Extraordinary meeting held on 24 November one electronic vote was carried out. All of those votes were undertaken successfully

though a minority of Members experienced connectivity issues which meant that they were not able to participate in one or more of the votes.

- 4.2 When consideration was being given to interim arrangements for Council Standing Orders it was aimed to keep the number of formal votes at an ordinary meeting of Council to a minimum due to the amount of time it takes to perform a vote electronically and at that time it was unknown whether the electronic voting mechanism would be capable of taking a number of votes in a short period of time. At the ordinary meeting of Council on 8 December there were six recommendations from the Executive and Governance and Audit Committee that required a vote along with three motions and an item on the Honorary Recorder. Five of the votes on the recommendations were carried out successfully but then the electronic voting system did not load for the vote on the sixth recommendation. 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). Without the electronic voting mechanism it is not possible to undertake a vote in a remote meeting by a show of hands as only a maximum of 25 people 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. In the absence of being able to use the electronic voting mechanism the Lord Mayor conducted the vote on the remaining recommendation by asking each of the political group whips how their group members would cast their votes. For the remainder of the votes the City Solicitor read out the names of each Member asking how they wanted to cast their vote.
- 4.3 Subsequently the Council's IT Service continues to work with Public-I, the Council's partner in delivering meetings remotely, to improve the capability of the Connect Remote electronic voting system to ensure it can handle multiple votes in succession for a meeting with a high number of participants.

## **5. MATTERS RAISED FOR DISCUSSION**

- 5.1 Political groups were requested to supply any comments on how the arrangements for holding an ordinary meeting of Council operated. Comments were also obtained through the working group established by this Committee to consider the democratic arrangements during this period and from Members who made contact individually with their views.
- 5.2 Issues raised and comments are:
  - a) Members wish the technical difficulties with the electronic voting mechanism to be resolved.
  - b) There needs to be transparency on the voting numbers which should be visible and the voting spreadsheet be seen on the screen. When a vote is taken by affirmation the Lord Mayor should state that before the vote is taken.  
Consideration should be given to moving recommendations from committees as a group.
  - c) It has been raised that Members should not have to notify their supplementary question in advance for Member Question Time.
  - d) It is asked that the timescale for portfolio holders to finalise the answers to Members questions following the receipt of draft answers at 1700 on the

- Wednesday and the circulation of the answers to all councillors following 1000 on the Friday be looked at.
- e) It would be useful if the system allowed the Lord Mayor or an officer supporting the meeting to mute all attendees except the speaker as background noise from Members who haven't muted themselves is a recurring problem.
  - f) The requirement that 5 Members request a debate on a recommendation from the Executive/committee should be reconsidered.

## **6. FURTHER MEETINGS OF COUNCIL**

The next scheduled meeting of Council is the budget meeting of Council on 18 February 2021. Due to the pandemic situation at the time and the on-going development of a remote meeting platform an Annual Meeting of Council did not take place in 2020 but an Annual Meeting of Council is being planned for 2021 following the Council elections on 6 May 2021. Consultation is currently being undertaken on a date. Members of the Committee are asked to discuss whether any further ordinary meetings of Council should be arranged prior to the Annual Meeting of Council in 2021.

## **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 ASSESSMENT**

None.

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

None.

## **12. OPTIONS**

### **12.1 The Committee can:**

- (i) note the report and advise that the next meetings of Council be the Budget meeting of Council and the Annual Meeting of Council;
- (ii) advise that ordinary meetings of Council continue to be held in accordance with the current interim 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 making further 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 changes should be made to the Interim Standing Orders in the Council's Constitution for delivering ordinary meetings of Council, if there should be any further ordinary meetings of Council before the Annual Meeting of Council in 2021, and if so consult 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.