

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

TO:	POLICY COMMITTEE		
DATE:	27 APRIL 2020		
TITLE:	DECISION-MAKING AND MEETING PROTOCOLS		
LEAD COUNCILLOR:	COUNCILLOR BROCK	PORTFOLIO:	LEADER OF THE COUNCIL
SERVICE:	LEGAL & DEMOCRATIC SERVICES	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the arrangements to be made in accordance with Section 78 of the Coronavirus Act 2020 [The Act] 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' [The Regulations] to enable Council meetings to take place online during the current Covid-19 pandemic.
- 1.2 The Act and Regulations have made provision for local authorities to allow meetings to occur without the participants being in the same place. Local authority meetings can take place under the Regulations with members in more than one place, including at electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- 1.3 The protocols to allow the Policy Committee, Planning Applications Committee and Licensing Applications Sub-Committees 1 and 2 to continue to meet under the new arrangements are attached at **Appendix A**. The Council and its other Committees, Sub-Committees and consultative bodies will cease to meet for the time being.
- 1.4 Section 78(3) of the Act states that the Regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021. The Assistant Director of Legal and Democratic Services or Policy Committee will also be able to end or make amendments to the arrangements prior to 7 May 2021. The Regulations can be viewed through the following link:

<https://www.legislation.gov.uk/uksi/2020/392/regulation/5/made>

2. RECOMMENDED ACTION

2.1 That the protocols for meetings of the Policy Committee, Planning Applications Committee and Licensing Applications Sub-Committees 1 and 2, drafted in accordance with the provisions 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' [The Regulations], and attached at Appendix A to the report be approved.

2.2 That the provisions agreed in 2.1 above be applied only to those Committee and Sub-Committee meetings required to be held, or held, before 7 May 2021 and the Assistant Director of Legal & Democratic Services, in consultation with the Leader of the Council, be authorised to end or make amendments to the arrangements prior to 7 May 2021, as set out in Appendix A, as and when necessary.

2.3 That, in accordance with Regulation 5(5), the following Council Standing Orders and Rules of Procedure be suspended for meetings to be held, or held, before 7 May 2021, subject to the Assistant Director of Legal & Democratic Services, in consultation with the Leader of the Council, being authorised to reinstate them prior to that date, if appropriate:

Standing Order (SO) 8 (Petitions); SO9 (Questions from Members of the Public); SO10 (Questions from Councillors); SO36 (Participation by members of the public), SO36A (Public speaking at Planning Committee) & SO36B (Public participation in Standing Committees) and the Petitions Scheme (Part 4 of the Constitution).

2.4 That, during these arrangements, the attendance of members at the Policy Committee, Planning Applications Committee and Licensing Applications Committee be as follows:

(a) Policy Committee (10)

Councillors (Labour 6; Conservative 2; Greens 1; and Lib Dems 1)

(b) Planning Applications Committee (10)

Councillors (Labour 6; Conservative 2; Greens 1; and Lib Dems 1)

(c) Licensing Applications Committee

That the membership be unchanged and the members of Licensing Applications Sub-Committees 1 and 2 continue to be drawn from the membership of the main Committee in accordance with the provisions of the Licensing Act 2003.

2.5 That current members of the Policy Committee and Planning Applications Committee not included in the reduced memberships be entitled to act as substitutes on the Committee in place of a member of their Group; and where a Group had only one member of the Policy Committee or Planning Application Committee appointed in the current year (2019/20), the Group Leader be entitled to nominate a substitute member, in the event that their Group member was unable to attend the Committee and the Assistant Director of Legal & Democratic Services be authorised to appoint that Councillor as a substitute member of the relevant Committee.

2.6 That the quorum for the various meetings be as follows:

Policy Committee - Three members, including the Leader or Deputy Leader (and relevant Lead Councillor)

Planning Applications Committee - Five members, including the Chair or Vice-Chair

Licensing Applications Committee - Two members (to allow for exceptional circumstances when a member may not be “present remotely” and it is therefore necessary to adjourn a hearing. The expectation is that hearings should take place with three members).

2.7 That, in view of the disruption to the normal Committee cycle, a general dispensation be granted to all Councillors in relation to the requirement set out in Section 85 of the Local Government Act 1972, which states if a member throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

2.8 That the Deputy Director of Planning, Transport and Regulatory Services delegated authority to determine planning applications and Tree Preservation Orders be extended to include the proposed changes, as described in Appendix B to the report, and a schedule of those applications where delegations had been changed be presented to each Planning Applications Committee for information.

3. POLICY CONTEXT

3.1 To enable the Council to fulfil its leadership role at this incredibly challenging time, and to guide its work with partners in providing the support that residents and businesses need, the Council’s current Corporate Plan priorities have been reframed to provide clarity of purpose and the three point strategic framework that has been adopted is based around the following three broad priorities:

- To support and protect vulnerable children and adults by ensuring the social care system continues to function effectively;
- To support the people who are most vulnerable and isolated in our communities;
- To support businesses and the local economy, and secure Reading’s economic recovery.

3.2 The Government has passed legislation to enable local authorities to hold meetings on-line and the proposals set out in the report describe the Council’s practical steps to enable this to happen and thereby continue to take decisions in an open and transparent manner during the period of the Covid-19 pandemic.

4. THE PROPOSAL

4.1 The Council is making arrangements to hold online meetings of the Policy Committee, Planning Applications Committee and Licensing Applications Sub-Committees 1 and 2 as permitted by the new Regulations that came into force on 6 April 2020. The protocol for these meetings are set out in Appendix A.

4.2 As part of the adoption of new arrangements, the Committee is also asked to reduce the membership of the Committees, agree new quorum thresholds and suspend various standing orders temporarily to assist the functioning of the online committees. It is also

recommended that provision should be made to include substitutes in the event that a member of the Committee cannot attend the online meeting.

- 4.3 The report also seeks to increase the delegated authority to the Deputy Director of Planning, Development and Regulatory Services to determine planning applications to manage the business before the Planning Applications Committee during the current pandemic emergency as effectively as possible. Appendix B sets out the current officer delegations and proposes a number of changes to increase those delegations.
- 4.4 In view of the limited opportunity of some councillors to attend a meeting during the period of the pandemic, as precautionary measure, Policy Committee is asked to use its urgency powers to grant a dispensation to all members from Section 85 of the Local Government Act 1972, which states that a councillor may be disqualified from office by failure to attend meetings unless the failure was due to a reason approved by the authority before the expiry of that period.
- 4.5 In order to provide consistency to the meeting arrangements all the online meetings will manage voting; declarations of interest and exempt and confidential business in the following way:

(a) Voting

Votes at online meetings will be taken by the Chair asking each individual Councillor to declare whether they are for, against or abstaining orally in order to achieve clarity to the decision-making process.

(b) Declaring Disclosable Pecuniary Interests

Members with a disclosable pecuniary interest must declare the existence of the interest and leave the meeting. This will be achieved by the member pausing or exiting the online meeting temporarily for the duration of the item of business in which they have the interest. Once the item of business has been dealt with, the Chair or clerk will invite the member to return to the meeting.

(c) Exempt and Confidential Business

Where a Committee passes a resolution to exclude the press and public from an item or items of business to consider exempt or confidential information as defined in Schedule 12A of the Local Government Act 1972 (as amended), this (Part 2) business will be conducted in a separate private online meeting. Before any councillor can take part in discussing exempt and/or confidential business they must confirm to the Chair that they are in a location where no person not entitled to be party to that information can hear or participate in the discussion/ decision in respect of the restricted business.

- 4.6 In order to retain flexibility in the online meeting arrangements, it is recommended that the Assistant Director of Legal & Democratic Services should be given delegated authority to amend the arrangements to enable a prompt response to any changes in circumstances and implement improvements as a result of learning from holding online meetings.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Council's reframed three broad priorities, as set out above, are consistent with the Council's strategic aims.

5.2 The strategic aims are:

- To Develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit;
- To promote equality, social inclusion and a safe and healthy environment for all.

5.3 None of these can be achieved unless the entire Borough comes together to address this emergency and emerges strongly on the other side. Although we have taken the step of closing some of our buildings to protect staff and service users, in line with government guidance on social-distancing, we are still meeting the needs of our customers. Holding meetings online supports the democratic oversight and scrutiny of the Council's work.

5.4 We are working in partnership with key partners, the business community and our vibrant voluntary and community sector to mobilise to address both the immediate and longer-term needs of the Borough.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). We will not lose sight of this imperative and if progress reports are not immediately evident during the heightened activity to respond to the virus, members should be assured that work will continue nonetheless.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way". We have consulted with the voluntary sector and businesses community on how we should respond to the emergency. We will be working over the coming weeks to make sure that residents' voices help shape our work going forward in relation to the Recovery.

7.2 We have sought to maintain community involvement in the Policy Committee and Planning Applications Committee and will work to bring greater public involvement into the new online meetings.

8. EQUALITY IMPACT ASSESSMENT

8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 It is imperative, that in responding to this emergency we look to protect the most vulnerable and marginalised in our society. Our revised priorities facilitate this. We

will continually review our progress to ensure that we do not leave behind any section of our community.

- 8.3 These revised arrangements are considered to be of neutral effect to the public sector equality duty.

9. LEGAL IMPLICATIONS

- 9.1 The Coronavirus Act 2020 received Royal Assent on 25 March 2020 and contained provision for the Secretary of State to make Regulations in relation to the arrangements for holding local authority meetings (Section 78), during the current pandemic.
- 9.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020' [The Regulations] came into effect on 6 April 2020 and enable local authorities to hold online meetings.
- 9.3 Regulation 5(1) states that a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- 9.4 Regulation 5(5) states that the provision applies notwithstanding any prohibition or other restriction contained in the standing orders of the local authority and Regulation 5(6) allows a local authority to make other standing orders and other rules relating to the arrangements for and attendance at online meetings of the authority.
- 9.5 The online Committees will continue to be convened in accordance with the provisions of Schedule 12 of the Local Government Act 1972 (as amended) where those arrangements remain unaffected by the new Regulations.
- 9.6 Sections 15-17 of the Local Government & Housing Act 1989 deal with the duty to allocate seats to political groups in accordance with the proportionality of the groups' representation on the Council. Section 17 allows an exemption to the proportionality requirement where no member of the committee dissents to disapplying the rule.
- 9.7 One important role of councillors is to ensure that there is adequate scrutiny of the Council's decisions. Whilst the reduction of the number of Committees arguably reduces the opportunity for the scrutiny of Council functions, it is intended to be introduce greater transparency around the Decision Book process to allow councillors to request items be reviewed for scrutiny.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications as a result of adopting these arrangements for holding online meetings. However, if there are costs that are incurred from the practical application of the arrangements, these costs will be reported as necessary.

11. BACKGROUND PAPERS

- 11.1 None