

## READING BOROUGH COUNCIL

### REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

TO:	POLICY COMMITTEE		
DATE:	22 JUNE 2020		
TITLE:	ONLINE MEETING PROTOCOLS - AUDIT & GOVERNANCE COMMITTEE AND TRAFFIC MANAGEMENT SUB-COMMITTEE		
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 further 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 additional 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 Audit & Governance Committee and Traffic Management Sub-Committee to continue to meet under the new arrangements are attached at **Appendix A**.
- 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 Audit & Governance Committee and Traffic Management Sub-Committee, 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', 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.**

**2.3 That, during these arrangements, the attendance of members at the Audit & Governance Committee and Traffic Management Sub-Committee be as follows:**

**(a) Audit & Governance Committee (8)**

**Councillors (Labour 5; Conservative 2; Greens 1)**

**(b) Traffic Management Sub-Committee (10)**

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

**2.4 That the quorum for the Audit & Governance Committee and the Traffic Management Sub-Committee both be set at three members.**

**Appendix A - Protocols for meetings of the Audit & Governance Committee and Traffic Management Sub-Committee.**

## **3. POLICY CONTEXT**

**3.1 The Government has passed legislation to enable local authorities to hold meetings online 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 report sets out arrangements to hold online meetings of the Audit & Governance Committee and the Traffic Management Sub-Committee as permitted by the Regulations that came into force on 6 April 2020. The protocols for these meetings are attached in Appendix A.**

**4.2 The Committee is also asked to: retain the membership of the Audit & Governance Committee; reduce the membership of the Traffic Management Sub-Committee; and agree the quorum thresholds for the new online meetings. It is also recommended that provision should be made to allow substitutes where a member of the Committee cannot attend the online meeting.**

- 4.3 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 an interest. Once the item of business has been dealt with, the Chair or Committee Administrator 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.

- 4.4 In order to retain flexibility in the online meeting arrangements, it should be noted that the Assistant Director of Legal & Democratic Services has been 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 Corporate Plan Priorities are.

1. Securing the economic success of Reading and provision of job opportunities
2. Ensuring access to decent housing to meet local needs
3. To protect and enhance the lives of vulnerable adults and children
4. Keeping Reading's environment clean, green and safe
5. Ensuring that there are good education, leisure and cultural opportunities for people in Reading
6. Ensuring the Council is fit for the future

- 5.2 The ability to hold online meetings of Committees will ensure continuity at this difficult time and support the Council's focus on its Corporate Plan and the reframed three broad priorities. The governance of the Council and the contribution it makes to the delivery of effective decisions and its business management is a key component for the delivery of the Council's strategic aims. Difficult decisions will need to be taken on an ongoing basis over the period of the Covid-19 emergency and holding meetings online supports the democratic oversight and scrutiny of the Council's work and decision-making processes.

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). There are no specific environmental and climate implications to report in relation to the recommendations set out in this report.

## **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". This report encourages continuity of decision-making for the forthcoming year and enables councillors' to fulfil their Committee roles at this challenging time.

## **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 There is no need to undertake an EIA in relation to the recommendations set out in this report.

## **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 subsequent 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, greater transparency has been introduced around the Decision Book process to allow councillors to request items be reviewed.

## **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