

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

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| TO: | COUNCIL | | |
| DATE: | 20 OCTOBER 2020 | | |
| TITLE: | ONLINE MEETING PROTOCOLS | | |
| LEAD COUNCILLOR: | COUNCILLOR BROCK | PORTFOLIO: | LEADER OF THE COUNCIL |
| SERVICE: | LEGAL & DEMOCRATIC SERVICES | WARDS: | BOROUGHWIDE |
| LEAD OFFICER: | MICHAEL GRAHAM | TEL: | 0118 937 3470 |
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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 Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel 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/ukxi/2020/392/regulation/5/made>

2. RECOMMENDED ACTION

- 2.1 That the protocols for meetings of the Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel 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 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 Committees be as follows:
- (a) Adult Social Care, Children & Education Committee (10)
Councillors (Labour 6; Conservative 2; Greens 1; and Liberal Democrats 1)
- (b) Housing, Neighbourhood & Leisure Committee (10)
Councillors (Labour 6; Conservative 2; Greens 1; and Liberal Democrats 1)
- (c) Strategic Environment, Planning & Transport Committee (10)
Councillors (Labour 6; Conservative 2; Greens 1; and Liberal Democrats 1)
- (d) Personnel Committee (5)
Councillors (Labour 4; Conservative 1) or nominees
- 2.4 That the quorum for the Committees set out in 2.3 above be set at three members.

Appendix A - Protocols for meetings of the Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel 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 Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel 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 Council is also asked to: retain the membership of the Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel 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 Council 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

Protocol for Online meetings of Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel Committee

Introduction

During the period where it is difficult for meetings to be held in person, Adult Social Care, Children & Education Committee; Housing, Neighbourhood & Leisure Committee; Strategic Environment, Planning & Transport Committee and the Personnel Committee are to be reconvened as online meetings to carry out their important functions as described in Part 2 of the Council's Constitution.

Membership

It is proposed to retain the Committees' existing memberships in accordance with the Group appointments, which were agreed by Policy Committee on 27 May 2020. However, each online meeting of the three Standing Committees will normally be expected to consist of 10 of these members in order to make the meeting more manageable and will be based on the following proportionality: Labour 6; Conservatives 2; Greens 1; and Liberal Democrats 1. The Personnel Committee will continue to have five members. The nominated members of each Group to attend the online meetings are:

Adult Social Care, Children & Education Committee (15)

| | |
|------------------|---|
| Labour (10) | Cllrs David Absolom, Challenger, Hoskin, Jones, Khan, McEwan, McKenna, Pearce, Sokale and Terry |
| Conservative (3) | Cllrs Ballsdon, Grashoff and Robinson |
| Green (1) | Cllr White |
| Lib Dem (1) | Cllr O'Connell |

Housing, Neighbourhood & Leisure Committee (16)

| | |
|------------------|--|
| Labour (10) | Cllrs Barnett-Ward, Davies, Ennis, Hacker, Hoskin, James, Leng, Lovelock, Rowland and R Williams |
| Conservative (4) | Cllrs Carnell, Grashoff, Manghnani and R Singh |
| Green (1) | Cllr McGonigle |
| Lib Dem (1) | Cllr O'Connell |

Strategic Environment, Planning & Transport Committee (14)

| | |
|------------------|--|
| Labour (9) | Cllrs Debs Absolom, Ayub, Challenger, Eden, Emberson, Gittings, Maskell, Page and R Williams |
| Conservative (3) | Cllrs Carnell, Robinson and Stanford-Beale |
| Green (1) | Cllr McGonigle |
| Lib Dem (1) | Cllr Duveen |

Personnel Committee (5)

| | |
|------------------|--|
| Labour (4) | Cllrs Brock, Emberson, Lovelock and Page (or nominees) |
| Conservative (1) | Cllr Skeats (or nominee) |

Quorum

The quorum for these online meetings will be three members.

Attendance

In order to make the online meetings more manageable the number of participants has been reviewed to keep officer attendance to a minimum and Committee members normally to no more than ten, while retaining representation from all political groups where possible.

The Leader of each political group is responsible for ensuring that the most relevant members attend the meeting.

- **Substitute members**

- (a) Where a nominated member cannot attend, the relevant Group Leader will be able to select another member of the full Committee to attend.
- (b) Where a Group has only one member of the Committee appointed in the current year (2020/21) and that member is unable to attend an online meeting, the relevant Group Leader will be entitled to nominate a substitute member from the Group.

Public Participation

Members of the public will be able to follow the meeting 'live' in order to meet the legal requirement for meetings to be held 'in public'. Information will be published with the agenda on how to do this on the Council's website. They will also be permitted to participate in online meetings, usually via telephone, in accordance with the existing provisions within the Council's standing orders.

Councillor participation

Councillors can participate in the Committee meetings eg by asking questions and speaking on agenda items in accordance with the Council's Procedure Rules.

Voting

In the event a vote is required at an online meeting, the Chair will ask each individual Councillor to declare whether they are for, against or abstaining orally. This will be done in order to achieve clarity to the decision-making process, as councillors will not all be visible during the voting process.

Declaring Disclosable Pecuniary Interests

Councillors 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 Committee Administrator will invite the member to return to the meeting.

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.

Management of meeting

The success of the online meetings will depend on the ability of the participants to interact with each other via the system and the ability of the Chair to manage the meeting despite the unfamiliar setting.

The Chair will decide a practical protocol for management of the debate and decision-making - e.g. calling of speakers, self-introduction before speaking. Changes to this protocol can be implemented from time to time by the Assistant Director of Legal & Democratic Services, in consultation with the Committee Chairs and Leader of the Council.