

REPORT OF TOWN CLERK TO COUNCIL MEETING 17TH FEBRUARY 2021

Remotely held meetings of local authorities.

Whilst confident with the thought that we all feel 'Zoomed' out some days, I need to advise the City Council about remotely held meetings of local authorities.

As you know, last year, emergency regulations were brought in to address the "Coronavirus anomaly" of Councillors needing to be present physically for voting purposes, hence meetings remotely via electronic means.

The regulations have an expiry date of 6th May 2021.

I have become aware of comments by the Rt. Hon. Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government that he would "dearly love" to extend the provision for remote meetings but the government's view is that it would require primary legislation, for which there is insufficient time before the emergency regulations expire.

The Ministry of Housing, Communities and Local Government is believed to be considering next steps but appear to be working on the basis there is no option to extend the regulations under the Coronavirus Act, that set the May 2021 expiry date.

The expiry date has been known about from outset, some twelve months ago, and we have been counting down since then in a world where issues about Coronavirus are changing daily.

The Prime Minister, Ministers and professional advisers have stated consistently that they will be "guided by the science", thus the above approach to permit groups to meet physically in a few months' time is concerning. Although the vaccination roll out is gaining momentum, come 6th May, the age profile of Chichester City Council will mean that neither all Councillors and certainly most of the staff would not be fully vaccinated or not even received their first vaccination.

As local authority meetings are open to the press and public, the assumption about the vaccination, or lack of it, would also extend to visitors, the press, public and any consultants in attendance at our meetings if we must return to physical meetings post 6th May.

With the current uncertainty about various Coronavirus strains, the stance of the Government seems questionable about making people return to the workplace and 'gather together', even with mitigation such as social distancing/face coverings in place when, at the same time, we are being told to stay at home and where possible, work from home. I am not aware of the any like plans to permit community halls to reopen for hire from May.

Even though remote meetings have needed an acceptance factor and impose technical and physical strains, they have proven to be more accessible in support of 'stay at home/work from home' guidance and where, on a cold, wet day, going out to the Parish Council offices can be overcome by remote participation. This would apply equally, if not more so, to the business of the District or County Councils where many members need to travel into Chichester to attend meetings. I do not deny for one moment practical advantages and attractions of physical meetings, ease of chairing, better 'reading' of a debate, sense of unity etc. However, it seems to me that a rather more flexible approach by the Government is required about the immediate future of remote meetings, namely:-

- To extend the remote meetings deadline from 6th May 2021 for at least another six months to reflect current reality and uncertainty about Coronavirus;
- To actively promote the category of hybrid meetings, ie meeting by a mix of physical and remote means where this is possible. This would involve those who so wish being physically present – with mitigation ie social distancing and face coverings and some participating by remote means. I accept there are both technical and cost issues involved, but it is a workable option to consider and your officers are investigating this further. However, looking at the legal position if remote meetings end on 7th May we would revert to the Schedule 12 Local Government Act 1972 definitions. **10(1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct... 12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting.** Councillors will see that the key issues are the definition of 'place' and 'present' and I would be prepared to recommend a change to Standing Orders to make hybrid meetings possible, formally recording that 'place' means a physical meeting or online meeting and 'present' means in the room or online. I do not think this Council would be alone in adopting such a prudent approach and it would be up to the Courts to adjudicate in the matter of any Judicial Review brought, bearing in mind the still uncertain times we are living in. Just a reminder from an earlier paragraph that the physical attendance aspect of a hybrid meeting would, in just about all cases, mean a like physical attendance by the press and public.
- Obviously, the time may come when we can safely return to physical meetings, but issues such as social distancing and wearing face coverings are bound to be the order of the day for a significant period to come. See the suggestions at the end of this report from the National Association of Local Councils.
- It is therefore prudent to ask the City Council to change the date of the Annual Meeting of the City Council from Wednesday 12th May to say Wednesday 5th May to enable it to occur remotely. There is no magic about the choice of Wednesday as the legal requirement gives complete freedom to set the actual day. However, it is my firm opinion that if we are told about changes to remote meeting arrangements such notification will be more last minute than in a timely manner.

In wartime, all manner of emergency legislation is introduced of necessity, and I draw a parallel here to the situation we find ourselves in now and where the art of the possible must be uppermost. There are, of course issues of duty of care for an employer to consider if this happens, again, see the NALC comments below.

At national level, the National Association of Local Councils, the Association of Democratic Services Officer and Lawyers in Local Government are working together to seek Counsel opinion on whether the regulations can be extended without a need for primary legislation.

I am therefore advising the City Council of the current position and to ask if Councillors wish representations to be made to Government, including the local MP about this matter. I understand from both County and District Council officers that they are in contact with local MP's to express concerns about what appears to be a Government intention.

At the end of this report I have set out below the advice and guidance given by the National Association of Local Councils about preparing for a return to face-to-face meetings.

Finally, just a reminder that as and when face to face meetings resume and until further notice, Full Council and most Committee meetings **may** need to be held in the Assembly

Room or Old Court Room due to social distancing requirements. The Council Chamber could be used for a smaller group, say a Sub Committee. If there were several apologies for absence from a Committee meeting, then it might be possible for the Council Chamber to be used on a case-by-case basis. I would ask that the Council do not focus excessively on this point right now; your officers are carrying out further investigations on the operational requirements.

The use of the Assembly Room and Old Court Room could, of course, impact upon room booking availability for other users.

Rodney Duggua

Town Clerk

9th February 2021.

Advice from the National Association of Local Councils.

.....as face-to-face council meetings resume there will still be the risk to attendees of COVID-19 exposure. Councils should conduct a risk assessment in advance of a face to face meeting which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitiser to those entering the meeting room and making sure hand sanitiser is readily available in the room itself
- Staggering arrival and exit times for staff, councillors and members of the public
- Placing seating at least 2-metres apart
- Ensuring everyone wears face masks
- Holding paperless meetings
- If papers are provided, people should be discouraged from sharing with others and asked to take the papers with them at the end of the meeting to minimise how many people handle the papers
- Arranging seating so people are not facing each other directly
- Choosing a venue with good ventilation, including opening windows and doors where possible
- Choosing a large enough venue to allow distancing – this may mean choosing a different venue to what the council used before.
- The council (or venue owner/operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?
- If the venue has an NHS QR code to support test and trace then all attendees should register using that app, for those without access to the app they should register attendance in line with the venue's test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a test and trace procedure
- Venues must conform with the government guidance for multi-purpose community facilities and for council buildings. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance
- The council must understand and ensure it is acting in compliance with the latest government safer workplaces guidance

Managing staff:

- It would be advisable to inform the clerk and any other staff whose role involves supporting or attending council meetings, as soon as possible that the council will need to prepare to return to face to face meetings from May onwards. This will allow them to make the necessary preparations as described above, and also to allow time to engage with staff to alleviate any concerns they may have related to attending physical meetings again.
- Councils should consult with staff (ask for and consider their views to try and reach an agreement) about returning to work as part of their preparations for face to face meetings.
- The council must make the workplace (including council meetings) as safe as possible for staff, this includes undertaking a risk assessment, taking reasonable steps to reduce risks identified in the risk assessment, and ensure it is acting in compliance with the latest Government safer workplaces guidance
- ACAS have produced useful guidance for employers and employees related to COVID-19, including advice on how to support staff to return to the workplace and how to manage situations where staff may be worried or not wish to return.