

Chichester City Council

Report of Town Clerk to City Council 8th December 2021

Future meeting arrangements

Introduction

At their meeting on 29th September 2021, the City Council agreed to defer the question of how meetings are held and to consider the matter further at this meeting.

Background

Following an application by Hertfordshire County Council, the Association of Democratic Service Officers, and Lawyers in Local Government, the High Court issued a judgment in April this year that the Local Government Act 1972 does not allow local authorities to hold meetings virtually.

The High Court concluded that existing legislation specifies that council meetings must take place in person at a single, specified, geographical location and being “present” at such a meeting involves physical presence at that location.

Regulations which allowed local authorities to meet remotely during the Covid-19 pandemic were disapplied after 6 May 2021.

The Government concluded that it was not possible to secure primary legislation to extend the regulations to meetings beyond 6th May. While the court’s judgment was limited to the interpretation of provisions relating to meetings within the scope of the Local Government Act 1972, the Minister, Luke Hall MP encouraged all authorities to study the court’s judgment for themselves to understand how it applies to their circumstances.

Following the Court judgement, the Government issued a ‘Call for Evidence’ about remote meeting arrangements and representing the Parish sector, the National Association of Local Councils (NALC) responded – a copy of that response is attached. At the time of writing this report no news has emerged about progress.

Action taken by the City Council

The City Council took a view, along with several larger Parishes, that with ongoing uncertainty about Covid infection rates, there was no option other than to return to face-to-face Council meetings, but with Covid mitigation measures in place, initially in compliance with the relevant Regulations then informally following the easing of restrictions. There was a majority view that other Committee and Sub Committee meetings would assume Working Group status to enable them to continue to be held remotely, that delegation arrangements be put in place to enable action to be taken by officers in support of the wishes expressed the Working Group. Full public participation at meetings would continue, and the spirit of Standing Orders preserved. In a nutshell this decision was ‘business as usual’ but a change of name of some meetings.

Some general and specific points.

It must be said that Working Groups are customarily seen as short term, specific focus meetings.

Any Council or Committee meeting held face to face brings with it the legal requirement for attendance by the press and public (unless an appropriate resolution to exclude them for confidential reasons is passed).

If local informal Covid mitigation measures in the Council House remain for meetings, Councillors might have concerns about using the Council Chamber, especially if there was a known larger than usual public attendance. Thus, if it was free, the meeting could either default to the Assembly Room or would need to be rescheduled to another date so that adequate accommodation could be provided.

However, there is some scope for the Council Chamber to be returned to use if, excluding the Mayor and Deputy Mayor's chairs, the wooden 'ceremonial' chairs we use solely for Council meetings were removed from the Chamber as this would provide some improved space.

Put simply, there is no way decisions being made at face-to-face meetings can be avoided; no dispensations exist about local authority meetings to recognise the Covid situation prevalent at any time.

Hybrid meetings – the yes or no question

If Councillors wished to trial a hybrid system of meetings, ie some physically present, some attending remotely, then the following points need to be noted: -

- A quorum would need to be physically present.
- Only those physically present can vote (Councillors attending remotely could speak, but not vote).
- Only those physically present would be formally counted as attending the meeting for the purposes of the 'six-month rule'.
- The Golden Rule of an apology for absence being submitted to (face-to-face) Council Meetings with a reason about non-attendance would need to be observed stringently by Councillors if they not in physical attendance at a hybrid meeting. Apologies not being submitted to a face-to-face meeting means that the member is recorded as 'absent'.

Social distancing measures

Following the removal of the relevant Covid Regulations, local informal social distancing measures have been applied to recent Council meetings in the Assembly Room appropriate to the current situation and your officers consider these conform to the wishes of the Council. However, these measures can be disapplied either partly or wholly.

As mentioned earlier, if a decision to return all Council and Committee meetings being held face to face in the Council House, numbers attending might drive an

increased use of the Assembly Room instead of the Council Chamber. This, in turn, could bring with it the issue of deconflicting other (paying) bookings.

An alternative - at cost – would be to hire a large enough external venue within the City if the situation so demanded (this would have been a course of action to consider in any event in non-Covid times).

I acknowledge, with thanks, the assistance provided by Chichester District Council in supplying a portable sound system for recent Council meetings. The system is not available for the City Council meeting on 8th December and following a discussion with the Mayor a system is being hired. It is obvious that acoustics in the Assembly Room have proven to be a challenge at Council meetings and some form of microphone system is required. Of course, 'Covid prices' apply and a one off hire and set up from a specialist firm, including VAT is estimated to be £500 with a bespoke system around the £4000 mark for outright purchase (this could form part of a hire package if a system was acquired).

Duty of care

I record a gentle reminder about the Council, the employer, having a Duty of Care to staff in reaching any decision.

Summary

Whilst the present arrangements have worked satisfactorily (and the necessity of introducing them has been an interesting experience to 'road test'), it must be acknowledged that there are some City Councillors who would wish to see a return to face to meetings across the board, whether that be 'now', or when the time is right, bearing in mind infection rates, the onset of the winter months and new Covid variants.

Whilst technical challenges might exist about Hybrid meetings, the legal direction of the Court about physical attendance at meetings is the key issue here as attendance remotely will not permit voting, nor a formal attendance being recorded (so only attendance at Full Council meetings will count in respect of the "six-month rule" about meeting attendance by Councillors). A physical quorum (3 Councillors) will be required to be present at all hybrid meetings.

A decision from Councillors about the way ahead is therefore sought.

Enclosure

Letter from National Association of Local Councils dated 17th June 2021.