

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

19 April 2021

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at an extraordinary meeting of the Cabinet to be held online via Microsoft Teams on Tuesday, 27th April, 2021 commencing at 8.00 pm or on the rising of the Overview and Scrutiny Committee.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for absence 5 - 6
2. Declarations of interest 7 - 8

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

## **Executive Non-Key Decisions**

3. Virtual Meetings 9 - 54

*An extraordinary meeting of the Overview and Scrutiny Committee is scheduled to take place immediately before the meeting of Cabinet to consider options regarding virtual meetings (report and appendices attached).*

*A verbal update will be given to Cabinet on any recommendations arising from the Overview and Scrutiny Committee.*

4. Urgent Items 55 - 56

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **Matters for consideration in Private**

5. Exclusion of Press and Public 57 - 58

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

6. Urgent Items 59 - 60

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## MEMBERSHIP

Councillor N J Heslop, (Leader) and (Economic Regeneration)  
Councillor R P Betts, (Street Scene and Environment Services)  
Councillor M A Coffin, (Finance, Innovation and Property)  
Councillor D Lettington, (Strategic Planning and Infrastructure)  
Councillor P J Montague, (Housing)  
Councillor M R Rhodes, (Community Services)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

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Apologies for absence

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Declarations of interest

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

27 April 2021

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### For Recommendation to Cabinet

#### 1 VIRTUAL MEETINGS

**This report provides an update on virtual meetings and asks Members to approve arrangements for the return to face to face meetings post 7 May 2021. Members are also invited to give consideration to the future streaming of Council meetings.**

#### Background

1.1.1 The scoping report considered by this Committee on 3 December 2020 set out the basis for a review of virtual meetings and homeworking. A number of options for inclusion in the review were set out as follows:

- the effectiveness of the adopted protocol for the use of video-conferencing facilities;
- whether post pandemic, the Borough Council wished to continue with virtual Council meetings;
- the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking to support the Climate Change Strategy and reduce overheads.

1.1.2 Members recognised that the adoption of virtual meetings had been a necessity during the coronavirus pandemic and had meant that the Borough Council business and decision making continued. A number of Members felt that the virtual meeting experience had been positive as the arrangements were efficient, transparent and aided structured debate. Other Members expressed a preference for a return to face to face meetings. It was suggested that the review should give consideration to hybrid as well fully virtual and fully physical meetings.

In addition, Members supported the continuation of livestreaming meetings so that residents were able to observe proceedings.

1.1.3 Members resolved to include all of the options set out above, subject to the inclusion of exploring options for

- hybrid meetings
- fully virtual meetings
- fully physical meetings; and
- the continuation of livestreaming meetings even if the current regulations were not extended;

1.1.4 At the previous meeting of this Committee on 11 March 2021 Members approved a number of proposed revisions to the existing protocol for the use of video-conferencing facilities. Members also expressed support for the continuation of livestreaming of meetings, in whatever format.

1.1.5 Since the previous report to Members the national position in relation to the continuation of virtual meetings has significantly changed. On 25 March 2021 the Minister of State for Regional Growth and Local Government wrote to all Council Leaders to indicate that the powers to hold remote meetings would not be extended post 7 May 2021. A copy of the letter is attached as **Annex 1**, but the central explanation for not extending the legislative flexibility is contained in the extract below:-

*'Extending the regulations to meetings beyond May 7 would require primary legislation. The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time.'*

1.1.6 The Government has launched a 'Call for Evidence' to understand the experience of local authorities in the whole of the UK regarding remote meetings. The consultation runs until 17 June 2021. A copy of the 'Call for Evidence' is attached as **Annex 2**, together with a draft response (shown in red).

1.1.7 Whilst the Government does not currently intend to legislate for the continuation of virtual meetings, we are aware that legal action has been commenced by Lawyers in Local Government (LLG), the Association of Democratic Services Officers (ADSO) and Hertfordshire County Council to seek a declaration from the High Court to enable such meetings to take place within existing legislation. A one day hearing is due to take place on 21 April 2021.

- 1.1.8 However, unless the above claim is successful, the default position is that the Council will be required to revert to a fully face to face meeting programme post 7 May 2021.
- 1.1.9 The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 do not prohibit meetings indoors which are reasonably necessary for work or voluntary services, so Council meetings can be resumed, with public attendance.
- 1.1.10 It is not known the extent to which social distancing restrictions will remain a central consideration in our future meeting arrangements, as a decision is not scheduled to be taken on social distancing guidance until Step 4 of the Government's roadmap i.e. no earlier than 21 June 2021. However, it is clear that for the period from 7 May 2021 until at least 21 June 2021 we will have to ensure that all physical meetings comply with any covid requirements/ guidance.
- 1.1.11 This report asks Members to approve the arrangements for the return to face to face meetings post 7 May 2021. Separately, the report invites Members to reflect on their remote meeting experiences over the previous year to help inform any action we may be able to consider in the event that the legal action commenced by LLG, ADSO and Hertfordshire County Council is successful.
- 1.1.12 The review of homeworking is dealt with in a separate report.

## **1.2 Arrangements for the return of a face to face meeting programme post 7 May 2021**

- 1.2.1 As stated earlier, the Government has indicated that it does not intend to review the guidance on social distancing until Step 4 of the Government's roadmap i.e. no earlier than 21 June 2021. We will therefore need to ensure that any meetings held post 7 May 2021 can be conducted in a covid-secure manner and consistent with national guidance.
- 1.2.2 The immediate period post 7 May coincides with a busy schedule of meetings. The following are programmed to take place during the period 7 May to 21 June 2021. Note that all of these occur on or after the anticipated date for Step 3 of the Roadmap:-

<b>Date</b>	<b>Name of Board/ Committee</b>	<b>Number of Members</b>
17 May	Planning & Transportation Advisory Board	16
18 May	Economic Regeneration Advisory Board	16
19 May	Finance, Innovation & Property Advisory Board	16
20 May	Area 1 Planning Committee	20

25 May	Communities & Housing Advisory Board	16
26 May	Area 2 Planning Committee	17
1 June	Planning & Transportation Advisory Board	16
2 June	Cabinet	6
3 June	Area 3 Planning Committee	20
7 June	Joint Transportation Board	14
8 June	Street Scene & Environment Advisory Board	16
9 June	Joint Standards Committee	13 members plus 6 parish reps
10 June	Parish Partnership Panel	13
15 June	Licensing & Appeals Committee	15
16 June	General Purposes Committee	14
17 June	Overview and Scrutiny Committee	18

1.2.3 The GOV.UK guides on [working safely during coronavirus \(COVID-19\)](#) explain the control measures that different types of business should consider. These cover construction, factories, offices, vehicle use and other types of work. The guides apply to workplaces in England and are therefore applicable to the Council offices and other locations where formal Council meetings are held. Separately the Government has issued guidance on the safe use of Council Buildings, which includes specific guidance on Council meetings ([COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](#)). The latter guidance document was updated following the announcement by the Minister of State for Regional Growth and Local Government on 25 March. Members are asked to note that the guidance suggests that consideration is given to range of options, including the following:-

- *Use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service to minimise the number of meetings you need to hold;*
- *Relying on single-member decision making where your constitution allows;*

- *Hold your annual meeting before 7 May, or consider holding it (and any other physical meetings) after 17 May, at which point it is anticipated that a much greater range of indoor activity can resume in line with the Roadmap set out by the Government in February;*
- *Continuing to provide remote access to the public until at least 21 June.*

1.2.4 Members will be aware that the Part 7 of the Constitution already contains emergency provisions allowing decisions to be taken during a period of serious and/ or unexpected disruption. These have been used sparingly to date during the pandemic, and it is not expected that this approach will change post 7 May. In respect of single-member decision making, the existing constitutional position is that individual members of the Executive may take decisions within their respective portfolios, subject to compliance with specific conditions e.g. a written report has been considered by an Advisory Board and that Board has recommended that the decision be made. It is not considered that any changes are appropriate in light of the Minister's letter.

1.2.5 We are required to make every reasonable effort to ensure that any person attending a Council meeting can do so safely. We must therefore make every reasonable effort to comply with the social distancing guidelines set out by the Government (2m, or 1m with risk mitigation where 2m is not viable).

1.2.6 Prior to the pandemic, meetings were held in the Council Chamber, the Committee Room and at the Angel Centre. On the assumption that Members would wish to continue using all 3 of these venues we have considered the options for resumption of face to face meetings in a covid-secure manner. For completeness we have also included the Medway Hall at the Angel Centre as a potential meeting venue, although Members are asked to note that the availability of facilities at the Angel Centre is expected to be very limited post 17 May (the anticipated date for Step 3 of the Roadmap) due to demand from customers of the Leisure Trust.

1.2.7 In order to comply with 2m social distancing, the safe capacities of the meeting rooms would be reduced as set out in the table below:-

	<b>Councillors</b>	<b>Officers</b>	<b>Public</b>	<b>Press</b>
<b>Council Chamber</b>	20-21	3	10	2
<b>Committee Room</b>	7-10 in total (dependent upon room layout)			
<b>Riverside Lounge, Angel Centre</b>	12 in total		5 in total	

<b>Medway Hall, Angel Centre</b>	14-19 in total (dependent upon room layout)	0-5 (dependent upon room layout)
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1.2.8 Members are asked to note that any meeting space will need to make provision to accommodate not only Members of the relevant Committee/ Advisory Board etc but also (1) any officers in attendance and (2) any member of the press/ public who wishes to attend to observe the meeting. The guidance for the safe use of Council Buildings (see para 1.2.3 above) suggests that Councils continue to provide remote access to the public until at least 21 June as a means of mitigating the risks during this period. The means of achieving this are considered below. However, this does not remove the legal obligation to make provision for members of the public to attend the meeting in person.

1.2.9 The gov.uk guidance suggests a number of potential mitigating actions in addition to 2m social distancing. In accordance with the guidance, Officers have undertaken a risk assessment for Council meetings. In addition to operating with a reduced capacity within the meeting space it is considered that the following further measures are required:-

- Use of face coverings – all attendees to wear face coverings when not speaking;
- One way system in and out of the meeting room with possible staggered timings depending on final numbers allowed;
- Ventilation - doors and windows to the meeting rooms to remain open throughout the meeting

A full risk assessment is attached as **Annex 4**. This has been prepared in consultation with the Council's Health & Safety Officer.

1.2.10 Another potential mitigating action will be to keep the meeting time as short as possible. Whilst it is important for matters to be debated properly, duration of exposure is an important factor for infection control. It is therefore recommended that the interim arrangements for face-to-face meetings provide that information items will not be taken to any committee, board, panel or cabinet until all coronavirus restrictions are lifted nationally. Chairs and Vice- Chairs of committees should carefully consider the items being reported on their agendas and consider the scope for limiting the duration of discussion on those items or deferring items if necessary.

1.2.11 Members will note from the above that the reduced capacities will cause practical difficulties, particularly for (a) full Council meetings and (b) Area 1 Planning Committee as it will not be possible to safely accommodate all 54 (Council) and 20 (Area 1) Members in the Council Chamber/ Riverside Lounge/ Medway Hall. For other meetings of the Cabinet, Advisory Boards etc it will be possible to

accommodate all members of the specific Committee/ Board in the Council Chamber, although that will leave limited capacity for other non-Board/ Committee Members to attend the meeting. In respect of Area Planning Committees, it is also possible that difficulties may arise in accommodating all members of the public who wish to attend and/ or speak.

- 1.2.12 Officers are continuing to investigate whether other suitable venues may be hired in Tonbridge for the meeting of the Area 1 Planning Committee on 20 May 2021. In the event that no other suitable venues are available, it is suggested that on an exceptional basis the meeting is held in the Council Chamber at Kings Hill. The next meeting of Area 1 Committee thereafter is not until 24 June, by which time social distancing restrictions may have been lifted. If that proves not to be the case then that meeting could also be held at an alternative venue or in the Council Chamber (see 1.2.16 below).
- 1.2.13 It is also immediately apparent from the above table that it will not be possible to hold socially distanced meetings in the Committee Room as there is insufficient capacity for any of the Council's programmed Boards/ Committees etc. It may however be possible to use this space to accommodate up to 10 members of the public, who could view the proceedings taking place in the Council Chamber via a video link. This would then free up additional spaces in the Council Chamber. In all likelihood we expect that most members of the public who wish to view proceedings would opt instead to watch the YouTube stream from the comfort of their own home, but the adaptation of the Committee Room would provide additional capacity on site if required.
- 1.2.14 The Committee Room space could also be used as a waiting area for public speakers at Area Planning Committees, who could be invited to enter the Council Chamber immediately prior to the start time of their speaking slot. Members are asked to note, however, that even with an increased capacity in the Council Chamber, it may still be necessary to limit the number of non-Board/ Committee Members who would be able to attend a given meeting. However, it would be possible to allow remote access for such Members (see 1.2.16(c) below)).
- 1.2.15 In capacity terms, the most challenging meeting to accommodate will be full Council. However, in line with the Government guidance the annual Council meeting for the 2021/22 municipal year has been moved to 4 May in order to ensure it can take place (virtually) before 7 May 2021. The next meeting of Council is not scheduled to take place until 13 July, by which time it may be possible to accommodate all Members in the Council Chamber. We will however keep alternatives under review.
- 1.2.16 We have explored the following alternative options
- (a) *implement additional risk mitigation measures to allow for less than 2 metres social distancing;*

With suitable mitigation, it is possible to accommodate a larger number of people in the Council Chamber. For example, it would be possible to increase the capacity of the meeting space through the use of protective screens. However, the mitigating actions set out above e.g. face coverings would all still be required. Furthermore, given that a number of potential attendees (Members/ staff/ press and public) are yet to be offered the vaccine, and some may also fall within more vulnerable groups, we must consider carefully whether reduced social distancing is in any event appropriate.

It is estimated that the cost of acquiring screens to cover all areas of the Council Chamber (inc public area) would be in the region of £4000-4500.

Given all of the above factors, it is suggested that meetings are instead conducted with 2 metre social distancing and the additional precautions set out in 1.2.9 above.

(b) *relocate affected meetings to a larger venue;*

We have made enquiries of several local venues (e.g. Hadlow Manor, East Malling Research Centre) to see if they are able to accommodate larger meetings. Subject to availability, both are able to accommodate a higher number of attendees as follows –

Hadlow Manor – 65 inc 6 press/ public (1m distancing plus masks). Cost - £1150 (half-day @ £19.50pp)/ £2095 (full day @ £35.50pp)

East Malling Research Centre – 50 inc any press and public (1.5m distancing plus masks). Cost - £600 (4 hours)/ £1020 (8 hours).

If Members were minded to host all meetings up to 17 June in one of these external venues then (assuming a half-day/ 4 hours length) the cost would be between £9,600 and £18,400.

Neither venue offers facilities for streaming, so we would be required to bring our own equipment.

We are continuing to investigate whether other suitable venues are available in Tonbridge for the Area 1 Planning Committee.

Given the costs of moving meetings to external venues, it is recommended that (subject to further investigation in respect of Tonbridge) Council meetings continue to be hosted at the Gibson Building. Should it become necessary in individual cases, or if social distancing restrictions are extended beyond 21 June, officers would liaise with the Leader/ relevant Chairman as to the most appropriate venue for specific meetings that we are unable to accommodate in the Gibson Building.

- (c) *allow non-Members of the relevant Committee/ Board etc to join/ speak remotely*

The law does not prevent speakers who are not members of the particular decision-making body from taking part remotely. So, for example, a councillor who is not a Member of an Advisory Board may speak through a video link, and in the current circumstances it would be appropriate to encourage such Members to adopt this approach. Physical attendance would solely be concerned with the members of the Advisory Board themselves. Similarly officers could be encouraged to attend remotely, which would assist in limiting numbers in the Chamber and might in any event be a sensible approach where their role in a particular item is limited. Public speakers at Area Planning Committees could also be encouraged to use a remote link, although provision would need to be made to allow such speakers to attend in person if they preferred to do so.

In the short term, the most cost-effective way to achieve this would be through all Members continuing to use the MS Teams app on their laptop/ tablet so that they could see/ hear (and be seen/ heard by) non-Members of the Board/ Committee, any Officers, press and public attending remotely. The use of a headset/ muting of microphones by Members would be encouraged, to avoid the potential for feedback. This would also allow for continued streaming of all meetings via YouTube.

Members are asked to note that the facility to join a meeting remotely would apply only to non-Members of the particular Board/ Committee in question. Voting Members of the Board/ Committee etc would need to be physically present in the meeting room.

- (d) *cancellation or postponement of meetings until after 21 June;*

This is regarded very much as an option of last resort. Given the considerations set out above it is not anticipated that any meetings prior to 21 June will need to be cancelled for reasons relating to covid but in the event that the need were to arise (whether for reasons related to covid or otherwise e.g. lack of business) this would be a matter for discussion with Chairman of the relevant Board/ Committee at that time.

1.2.17 Save for any upcoming meetings of full Council, it is considered that the combined use of the Council Chamber/ Committee Room plus the remote access afforded to non-Members, Officers, press and public as set out at 1.2.5 to 1.2.16 above offers the most practical way forward until all social distancing restrictions are lifted.

### **1.3 Meeting arrangements**

1.3.1 Members are reminded that the default position post 7 May 2021 will be a return to physical meetings. It nevertheless remains timely for Members to reflect on their experiences of the previous year, as it will help inform any action we may be able

to consider in the event that the LLG/ ADSO Court action is successful. However, it is not possible to predict the outcome of those proceedings so the considerations set out below and at Annex 3 are provided for information only.

### **Remote (or virtual) meetings**

- 1.3.2 A fully remote meeting is one in which everyone is joining separately via PC (inc laptops and tablets) or phone. These have been the default position for Tonbridge & Malling Borough Council since May 2020. All participants join remotely. Under these circumstances provision is not made for physical attendance by the public, who will also join remotely.
- 1.3.3 Public streaming of remote meetings is currently delivered via YouTube, with a member of staff remotely recording/ streaming the meeting.

### **Face to face meetings**

- 1.3.4 All participants (Councillors/ officers and members of the public) attend the meeting physically with no provision for remote attendance. This was the default position at Tonbridge & Malling Borough Council prior to the COVID-19 pandemic and (subject to the outcome of the LLG/ ADSO legal action) will once again become the default position post 7 May 2021.
- 1.3.5 The Borough Council has not previously streamed face to face Council meetings. However, it is possible to do so - the options for supporting livestreaming are considered in Annex 3.

### **Hybrid meetings**

- 1.3.6 These are meetings where some, or most, participants attend the meeting physically, with some also attending remotely. Provision may be made for the physical attendance of the public in the Council Chamber or a committee room. The public may also be permitted to participate remotely. The options for supporting livestreaming of hybrid meetings are considered in Annex 3.

### **Analysis**

- 1.3.7 Attached at **Annex 3** is a table analysing the advantages/ disadvantages of the various types of meeting arrangements, including the financial, equalities and climate change considerations.

## **1.4 Levels of attendance at meetings**

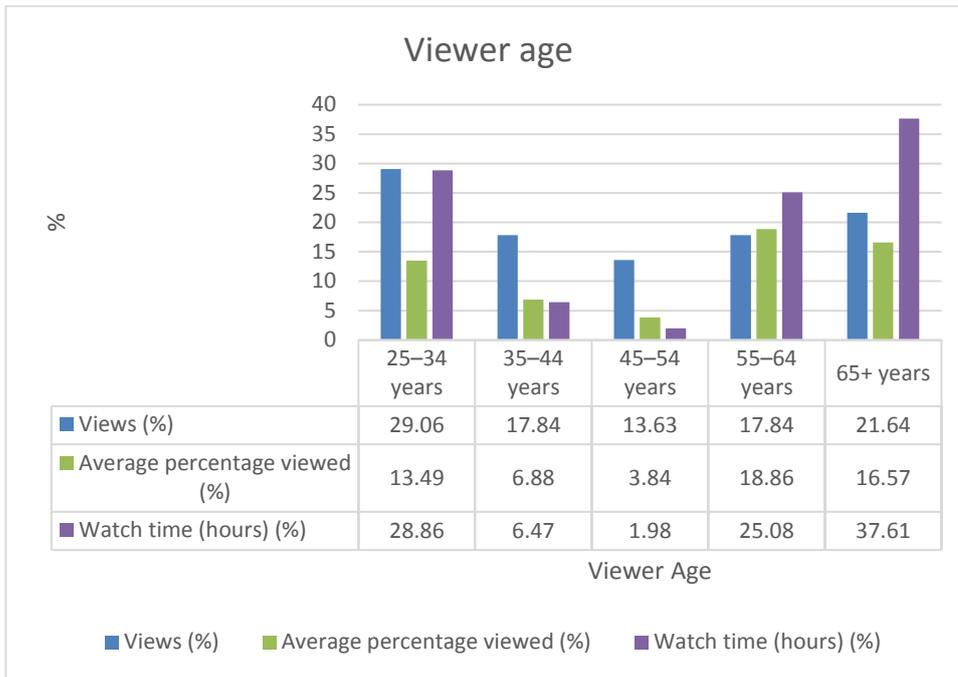
- 1.4.1 The move to remote meetings has seen an increase in attendance at meetings by Members. For example, 70% of Members have attended 90-100% of Boards/ Committees etc of which they were a member during the municipal year 2020/21 (up to 31 March 2021). The equivalent percentage figure for the municipal year 2019/20 was 31%.
- 1.4.2 The number of meetings attended by Members as a non-member of a Committee/ Board has also increased during the 2020/21 municipal year (up to 31 March 2021). 50% of Members attended 6 or more meeting of a Committee or Board of

which they were not a member during 2020/21 compared to an equivalent percentage figure of 30% for 2019/20.

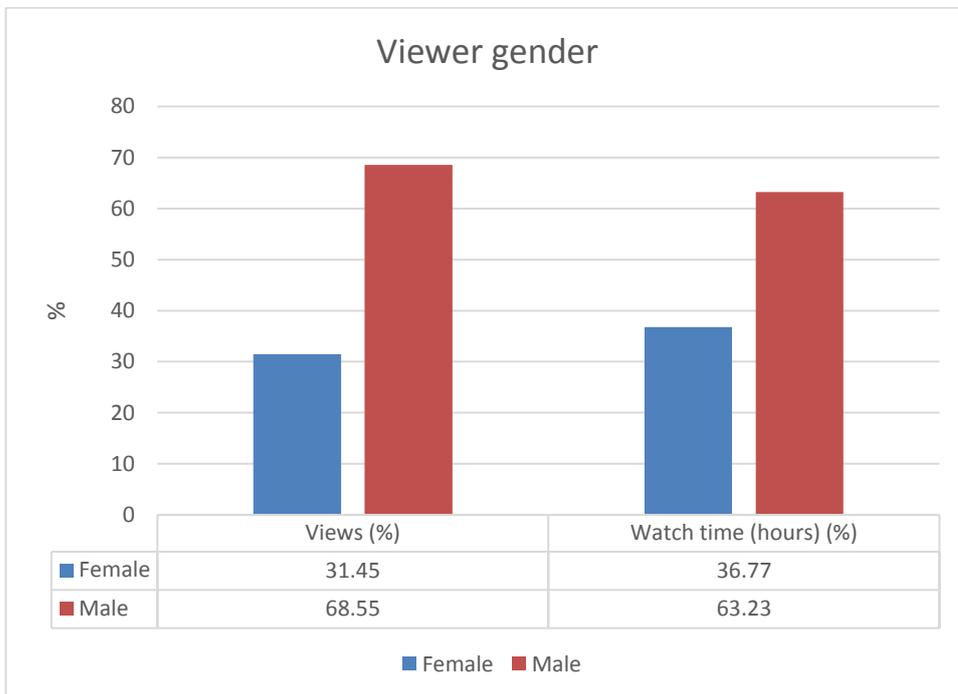
## **1.5 YouTube Streaming**

- 1.5.1 The streaming of Council meetings has undoubtedly had a positive impact on democratic involvement. Prior to May 2020 the Council had not previously livestreamed meetings (as it is not a legal requirement in respect of face to face meetings open to the public), but it is clear from the viewing figures available via YouTube that the facility to watch live meetings has been well received. For the assistance of Members, Officers have undertaken an analysis of the viewing data available via YouTube for the period 1 May 2020 to 28 February 2021.
- 1.5.2 For the period analysed viewing figures for meetings (including the Local Plan Examination Hearings) range from 1189 to 23. Members are asked to note that the number of views per meeting does not necessarily equate to the number of unique views i.e. by individual viewers. However, we are unable to access unique viewing data for meetings more than 90 days old so are unable to compare meetings throughout the entire period from May 2020 to February 2021.
- 1.5.3 There has been a total of 11,709 views of the council meetings (whether viewed live or retrospectively), with an average view duration of 18 mins 14 seconds. The most watched meeting video to date is the Area 3 Planning Committee on 9 July 2020 with 1189 views followed by the Economic Regeneration Advisory Board on 3 November 2020 with 813 views and the Joint Transportation Board on 21 September 2020 with 796 views. The flexibility associated with recording and streaming via the Council's YouTube channel allows people to engage with broadcasts live or retrospectively at their convenience.
- 1.5.4 Overall, there has been an increase in residents engaging positively in our remote meetings, indicated through viewing analytics on YouTube, as well as the amount of subscribers to the channel (set up in May 2020) which now stands at 198 (April 2021). Further metrics in respect of the viewing data are set out in the tables below.

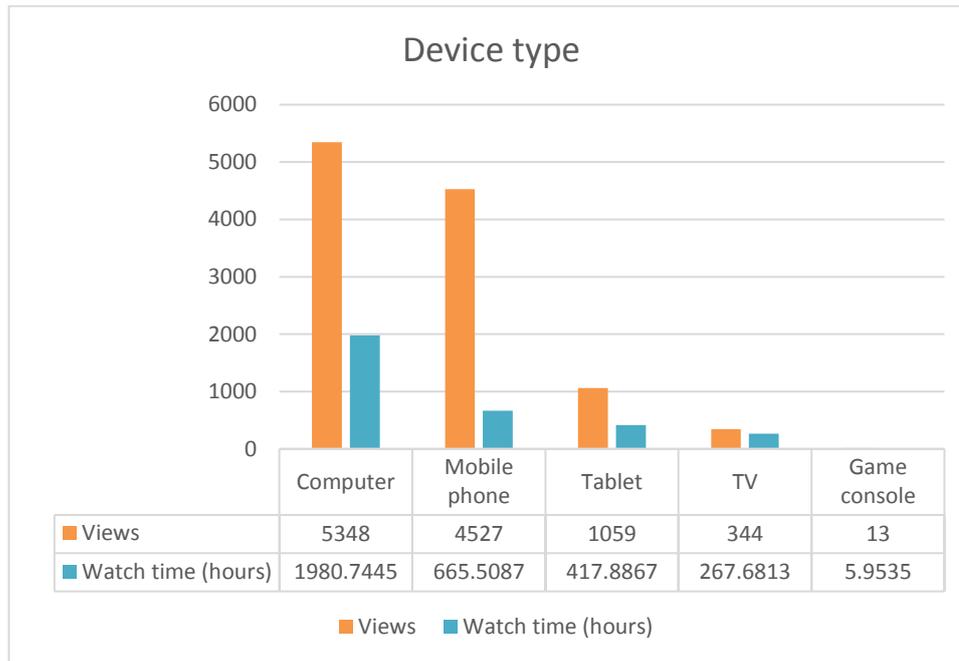
### Age



### Gender



## Device type



- 1.5.5 Other than members of the public who attended a face to face meeting to exercise a right to speak, we have not historically recorded data for public attendance at Council meetings. Anecdotally we believe that public attendance was generally restricted to Area Planning Committees and a small number of other meetings at which high profile or controversial issues were being debated.
- 1.5.6 Members of this Committee have previously expressed support for the continuation of livestreaming. The data set out above supports the view that livestreaming has been a positive addition to the adopted arrangements. It has therefore been assumed that livestreaming is a desirable component of whichever approach is adopted towards future meeting arrangements. However, continued livestreaming may represent budget growth.
- 1.5.7 Members of the Committee are invited to confirm their agreement to the above assumption (see recommendation at paragraph 1.11.1)).

## 1.6 Legal Implications

- 1.6.1 Remote meetings are currently permitted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020. These regulations are of temporary effect, as they apply only to meetings required to be held, or held before 7 May 2021. The Government has indicated that the regulations will not be extended.
- 1.6.2 Section 100A(1) of the Local Government Act 1972 requires that meetings of the Council shall be open to the public unless the meeting has resolved to go into

private session to deal with confidential or exempt information (as defined in Schedule 12A of the Local Government Act 1972).

- 1.6.3 However, during the coronavirus pandemic, the Government temporarily removed the legal requirement for local authorities to hold public meetings in person. 'Open to the public' is given a wider meaning to allow purely remote access, and includes access through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 1.6.4 The most common means of allowing remote access is to webcast the meeting, but a meeting can be held by purely audio means and so public attendance can also be purely audio. Note however that the public would only attend by remote access if they are able to observe in real-time. Having the meeting recorded and broadcast later is not sufficient.
- 1.6.5 The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 do not prohibit meetings indoors which are reasonably necessary for work or voluntary services, so Council meetings can be resumed, with public attendance. The Council will of course need to ensure that it complies with any covid-related guidance applicable to such meetings.
- 1.6.6 As an employer, the Council is responsible for employees' welfare, health and safety 'so far as is reasonably practicable' (s2, Health and Safety at Work etc Act 1974). It must also conduct a suitable and sufficient risk assessment of all the work activities carried out by employees to identify hazards and assess the degree of risk (Reg 3, Management of Health and Safety at Work Regulations 1999).
- 1.6.7 In addition to the statutory duties, the Council has a common law duty to take reasonable care for the safety of its employees e.g. a duty to see that reasonable care is taken to provide staff with a safe place of work, safe tools and equipment, and a safe system of working. It is also an implied term of employment contracts that employers will take reasonable care for the health and safety of employees and provide a reasonably suitable working environment for the performance of the employee's contractual duties.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 As set out in the report.
- 1.7.2 At the time of preparing this report, further information on pricing for the installation of hybrid meeting technology/ streaming was expected from our supplier. We expect to be able to share this information with Members at the meeting.

## 1.8 Risk Assessment

1.8.1 As set out in report and Annex 4.

## 1.9 Equality Impact Assessment

1.9.1 As set out in the report and Annex 3.

## 1.10 Policy Considerations

1.10.1 In the addendum to the Corporate Plan for 2020/21, Cabinet agreed the following as part of the 'Decision Making Capability' theme within the Review, Reorientation and Recovery strategy:-

*'Undertake review of effectiveness of virtual meetings and decision making processes generally. Note that regulations empowering Councils to hold virtual meetings are to expire on 7 May 2021 unless extended by the government.'*

1.10.2 Members are also asked to note that Cabinet resolved (30 June 2020) as follows:-

'Management Team be asked to conduct a review of all the Borough Council's assets, including use of the Gibson Building, to cover all areas as well as the need, function and capability of the Council Chamber and Committee Room for Council, Cabinet, Advisory Board and Committee meetings, in line with the Digital and Climate Change Strategies.'

1.10.3 The Draft Climate Change Action Plan for 2020 includes the following targets under the theme of 'TMBC Estate' –

- Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel;
- Amend the homeworking policy to encourage greater take up of homeworking/ flexible working where possible, to reduce home to work travel.

1.10.4 Members have also endorsed the Kent & Medway Energy and Low Emissions Strategy –

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-and-medway-energy-and-low-emissions-strategy>

1.10.5 Priority 6 of the Strategy concerns Transport, Travel and Digital Connectivity. It seeks to achieve the following outcome:-

*'Greenhouse gas emissions from transport and travel are significantly reduced and air quality is improved'*

1.10.6 Priority 6 also identifies the following as a short term (by 2023) high level activity –

*‘Develop and expand sustainable travel policies that reduce car use and business miles, through a hierarchy of travel options to reduce the need to travel, encourage modal shift to walking, cycling and public transport or increase car sharing.’*

## **1.11 Recommendations**

1.11.1 Members are asked to **RECOMMEND** to Cabinet that:

- (a) The arrangements set out in the report for holding physical face to face meetings post 7 May 2021 are APPROVED;
- (b) The draft response to the ‘Call for Evidence’ at Annex 2 is APPROVED
- (c) The Borough Council shall continue to livestream all Council meetings.

Background papers:

None

contact: Adrian Stanfield/  
Allison Parris/ Kevin Toogood

Director of Central Services and Deputy Chief Executive  
Adrian Stanfield



Ministry of Housing,  
Communities &  
Local Government

**Luke Hall MP**

*Minister of State for Regional Growth and Local Government*

**Ministry of Housing, Communities and Local Government**

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[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

25 March 2021

Dear Colleague,

### **LOCAL AUTHORITY MEETINGS**

It is just over a year to the day since the Prime Minister asked us all to stay at home, and local authorities across England have risen magnificently to the challenges of this period. There has been a dramatic shift in your day-to-day operations, alongside new difficulties and demands, and I commend the efforts of all councillors and officers in supporting your communities and ensuring vital business continues during these unprecedented times.

As you will be aware, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 do not apply to meetings on or after 7 May 2021.

Extending the regulations to meetings beyond May 7 would require primary legislation. The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time.

As outlined in the Government's Spring 2021 Covid-19 Response, our aim is for everyone aged 50 and over and people with underlying health conditions to have been offered a first dose of the Covid-19 vaccine by 15 April, and a second dose by mid-July. While local authorities have been able to hold meetings in person at any time during the pandemic with appropriate measures in place, the successful rollout of the vaccine and the reduction in cases of Covid-19 should result in a significant reduction in risk for local authority members meeting in person from May 7, as reflected in the Government's plan to ease Covid-19 restrictions over the coming months.

I recognise there may be concerns about holding face-to-face meetings. Ultimately it is for local authorities to apply the Covid-19 guidance to ensure meetings take place safely, but we have updated our guidance on the safe use of council buildings to highlight ways in which you can, if necessary, minimise the risk of **Page 25** meetings, and we will work with

sector representative bodies to ensure that local authorities understand the guidance and are aware of the full range of options available to them.

You can find the updated guidance here: [www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings](http://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings).

These options would include use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service, as these could be used these to minimise the number of meetings you need to hold if deemed necessary. Additionally, some of you will be able to rely on single member decision making without the need for cabinet meetings if your constitution allows.

While I appreciate that a greater number of authorities will be subject to elections this year due to the postponement of the 2020 elections, those councils who are not subject to elections could also consider conducting their annual meetings prior to 7 May, and therefore do so remotely while the express provision in current regulations apply. As you will know, councils who are subject to elections are statutorily required to hold their annual meeting within 21 days of the elections. The Government's roadmap proposes that organised indoor meetings (e.g. performances, conferences) are permitted from 17 May, subject to Covid secure guidelines and capacity rules. On this basis, councils should consider the extent to which their annual meetings (and any other meetings) can operate on the same basis as other local institutions in their area, taking into account their individual circumstances and requirements.

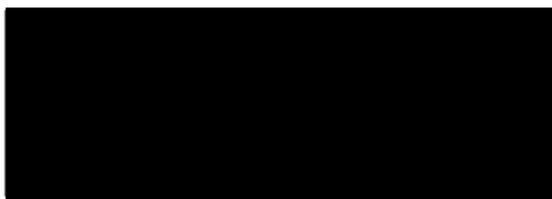
If your council is concerned about holding physical meetings you may want to consider resuming these after 17 May, at which point it is anticipated that a much greater range of indoor activity can resume in line with the Roadmap, such as allowing up to 1,000 people to attend performances or sporting events in indoor venues, or up to half-capacity (whichever is lower).

Finally, while you do have a legal obligation to ensure that the members of the public can access most of your meetings, I would encourage you to continue to provide remote access to minimise the need for the public to attend meetings physically until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements for public access.

I am grateful for the efforts that local authorities have made to allow remote meetings in their area and recognise that there has been a considerable investment of time, training and technology to enable these meetings to take place, and I am aware that some authorities, though by no means all, have made calls for the Government to make express provision for remote meetings beyond the scope of the pandemic. I am today launching a call for evidence on the use of current arrangements and to gather views on the question of whether there should be permanent arrangements and if so, for which meetings. There are many issues to consider and opinions on the detailed questions vary considerably. This will establish a clearer evidence base of opinion and enable all the areas to be considered before further decisions are made. The Government will consider all responses carefully before deciding to how to proceed on this issue.

I am copying this letter to the Mayor of London, the chairs of the Local Government Association and the National Association of Local Councils, as well as the Home Secretary and the Secretary of State for the Environment, Food and Rural Affairs in respect of other authorities covered by the current meetings regulations, including fire and rescue authorities, police and crime panels, national park authorities, the Broads Authority, and conservation boards.

Yours sincerely,



**LUKE HALL MP**

**Cc.** Rt Hon Priti Patel MP, Home Secretary  
Rt. Hon. George Eustice MP, Environment Secretary  
Sadiq Khan, Mayor of London  
Cllr. James Jamieson, LGA Chairman  
Cllr. Sue Baxter, NALC Chairman

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# Local authority remote meetings: call for evidence

Published 25 March 2021

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This publication is available at <https://www.gov.uk/government/consultations/local-authority-remote-meetings-call-for-evidence/local-authority-remote-meetings-call-for-evidence>

## Scope of the consultation

**Topic of this consultation:** This call for evidence seeks views on the use of the current arrangements which have provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

**Scope of this consultation:** This call for evidence seeks to understand the experience of local authorities in the whole of the UK regarding remote meetings. This includes authorities in England, Wales, Northern Ireland and Scotland.

Scottish authorities had express provision to meet remotely prior to the pandemic, and this call for evidence seeks to understand their experience of remote meetings since their arrangements came into force.

For England, Wales and Northern Ireland, this call for evidence refers to 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 the equivalent regulations for Wales and Northern Ireland) under powers granted by section 78 of the Coronavirus Act 2020. The regulations come into force on 4 April 2020 and apply to meetings taking place before 7 May 2021.

In respect of these regulations, ‘local authority’ means:

- a county council
- a district council
- a London borough council
- the Common Council of the City of London
- the Greater London Authority
- the Council of the Isles of Scilly
- a parish council
- a joint board continued in being by virtue of section 263(1) of the 1972 Act
- a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984
- an authority established under section 10 of the Local Government Act 1985
- a joint authority established under Part 4 of the Local Government Act 1985
- a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004
- a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act
- a National Park authority established under section 63 of the Environment Act 1995
- the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988
- a conservation board established under section 86 of the Countryside and Rights of Way Act 2000
- a Mayoral development corporation established under section 198 of the Localism Act 2011
- an urban development corporation established under section 135 of the Local Government, Planning and Land Act 1980
- a parish meeting constituted under section 13 of the Local Government Act 1972
- Transport for London
- Police and crime panels

**Geographical scope:** This call for evidence seeks to understand the experience of local authorities in the whole of the UK regarding remote meetings. This includes authorities in England, Wales, Northern Ireland and Scotland.

Section 78 of the Coronavirus Act applies to local authorities in England, Wales and Northern Ireland only. After it came into force, each of these administrations used the powers within section 78 to introduce regulations to make express provision for their local authorities to meet remotely before 7 May.

The Welsh Government has since passed the Local Government and Elections (Wales) Act 2021 which comes into force on 1 May and makes express provision for Welsh local authorities to meet remotely.

Scottish local authorities had express provision to meet remotely prior to the pandemic.

If any changes to legislation are made as a result of this call for evidence, they would apply to England only.

**Impact assessment:** If any policy changes are made following this call for evidence they will be subject to appropriate assessment. No impact assessment has been conducted at this time.

## Basic Information

**Body/bodies responsible for the consultation:** The Local Government Stewardship Division in the Ministry of Housing, Communities and Local Government is responsible for conducting this call for evidence.

**Duration:** This call for evidence will last for 12 weeks from 25 March 2021.

**Enquiries:** For any enquiries about this call for evidence please contact: [Megan.McKibbin@communities.gov.uk](mailto:Megan.McKibbin@communities.gov.uk).

**How to respond:** You can only respond to this call for evidence through our online consultation platform, [Citizen Space](#).

## Purpose of this call for evidence

The government would like to gather evidence about the use of the current arrangements for local authorities to meet remotely or in hybrid format, as set out in 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 the equivalent regulations for Wales and Northern Ireland) under powers granted by section 78 of the Coronavirus Act 2020.

These regulations came into force on 4 April 2020 and apply to meetings taking place before 7 May 2021. Local authorities in Scotland had express provision to meet remotely prior to the pandemic, and we are also interested to understand their experience of remote meetings since their arrangements came into force.

The powers in section 78 of the Coronavirus Act 2020 were brought in specifically to make express provision for local authorities in England, Wales and Northern Ireland to deal with the challenges of holding physical meetings during the coronavirus pandemic. They have helped local authorities to redeploy resources to deal with the pandemic and ensure that essential business continues whilst protecting the health and safety of their members, officers and the public.

We are aware that experience of remote meetings has been varied, and that while the experience of managing and participating in remote meetings has grown considerably during

the period since the remote meetings regulations came into force, there have been examples of the difficulties this format has posed for some authorities.

We have received representations from individual local authorities and sector representative organisations making the case for permanent express provision for remote meetings. The government would like to hear from interested parties about the pros and cons of making such arrangements permanent in England and the use of the arrangements to date.

We are particularly interested to receive any quantitative data that can be included to substantiate the responses you make.

## Terminology

Throughout this call for evidence the phrases ‘remote meetings’ and ‘remote meetings arrangements’ will be used interchangeably to refer to the express provisions for local authorities to meet remotely or in hybrid format, as set out in 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 the equivalent regulations for Wales and Northern Ireland) under powers granted by section 78 of the Coronavirus Act 2020.

As Scottish authorities had express provision to meet remotely prior to the pandemic, ‘remote meetings’ and ‘remote meetings arrangements’ refers to the equivalent Scottish legislation.

The regulations make express provisions for local authorities to hold meetings remotely, for example through typical digital conference software (e.g. Zoom, Skype, Teams) or telephone conference calls. However, they do not require them to be held remotely or even in a single format. This means, for example, that local authorities can hold ‘hybrid’ meetings (where some members attend virtually and other members attend in person) and they are also still able to hold fully ‘in-person’ physical meetings.

You can therefore assume that any reference to ‘remote meetings’ or ‘remote meetings arrangements’ also refers to hybrid meetings.

The term ‘member’ will be used to refer to any elected local authority members covered by the regulations above (and the equivalent legislation for Wales, Northern Ireland and Scotland). This includes councillors, directly elected mayors, and police and crime commissioners, and any other relevant local authority members as defined by the legislation.

## Background

While local authorities in Scotland had express provision to meet remotely prior to the coronavirus pandemic, there was no express provision for remote meetings for local authorities in England, Wales and Northern Ireland. In 2017, the government consulted on [proposals to allow joint committees and combined authorities to hold meetings by video conference](#), given the long distances that individual councillors often need to travel in order to attend these meetings.

The government concluded that, with appropriate safeguards to maintain town hall transparency, there are clear benefits to giving local authorities operating joint committees and combined authorities the ability to hold formal meetings by video conference.

These safeguards included not extending the provisions to cover other types of councils, and that remote access should only be permissible from sites suitable for holding a meeting with public access (i.e. from a town hall, not from private dwellings), as there was a risk of undermining visible democratic scrutiny and public debate. However, the government also noted views that remote meetings would also benefit other councils, particularly large rural authorities, and committed to further engage with the sector to understand these views.

Since regulations came into force following the introduction of the Coronavirus Act 2020, express provision was made for local authorities in England, Wales and Northern Ireland to hold meetings before 7 May 2021 remotely (such as through digital conferencing software or telephone conference) so that they can protect their members and comply with public health guidance.

As local authorities have now had extensive experience of conducting remote meetings over the past year, this call for evidence is an opportunity to understand these experiences and inform a decision about whether to make these arrangements permanent. Any permanent change would require primary legislation, and such passage would depend on agreement of Parliament and the timetabling and pressures of Parliamentary business.

## Questions

The government would like to gather evidence about the use of the arrangements that make express provision for local authorities to meet remotely or in hybrid format during the coronavirus pandemic, including the arrangements that existed for Scottish Authorities prior to the pandemic.

Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?

- Very Well
- Well
- Neither well nor poorly
- Poorly
- Very Poorly
- Unsure

While the powers in section 78 of the Coronavirus Act were brought in specifically to help local authorities in England, Wales and Northern Ireland deal with the challenges of holding meetings during the coronavirus pandemic, the government would also like to hear from interested parties about the pros and cons of making permanent express provision, in whole or in part, for local authorities in England.

**Response – Very Well**

Whilst the remote meeting provisions were brought into effect by force of circumstances, the ability for Councillors to meet remotely has allowed for decision making to continue without interruption since May 2020. We have seen an increased attendance at meetings by Councillors. For example, 70% of Councillors attended 90-100% of Boards/ Committees etc of which they were a member during the municipal year 2020/21, the equivalent percentage figure for the municipal year 2019/20 was 31%. There has also been an increased level of interest/ attendance by local residents during 2020/21 compared to previous years. Prior to the pandemic attendance by local residents was largely at regulatory committees e.g. Planning, Licensing and at other meetings where a particularly high profile or controversial issue was being considered. Since the introduction of remote meetings in May 2020 we have seen a widespread interest in a great number of Council meetings (whether attending to speak or watching the meeting via YouTube), which has resulted in a positive impact on the transparency of our decision making processes.

Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

- Yes
- No
- Unsure

Beyond having express provision to avoid face-to-face meetings during the coronavirus pandemic, we are aware of feedback from local authorities about additional benefits of being able to hold remote meetings including, but not limited to, the environmental and cost benefits of reduced travel, increased participation from local residents, and the potential to attract more diverse local authority members. We are keen to obtain representative views on the benefits of remote meetings and would particularly welcome any quantitative evidence to support these views.

Response – Yes.

Local Authorities should be given the flexibility to hold remote meetings, including any hybrid meeting arrangement that is appropriate to their local needs. It should be a matter for each local authority to decide which meetings (if any) it wishes to hold remotely. Allowing the *flexibility* to hold remote meetings does not compel any individual local authority to do so if they consider it inappropriate in their local area, but it will allow those that do to make local choices for their area.

Q3. What do you think are some of the benefits of the remote meetings arrangements? Please select all that apply.

- More accessible for local authority members
- Reduction in travel time for councillors
- Meetings more easily accessed by local residents
- Greater transparency for local authority meetings
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online
- Easier to chair meetings in an orderly fashion
- A virtual format promotes greater equality in speaking time during meetings
- I do not think there are any benefits to remote meetings

- Other (please specify)

In their representations to us, many local authorities have referenced the cost savings they have achieved through implementing remote meetings, particularly regarding a reduction in travel expenses and accommodation costs.

For example, one upper tier authority has reported that running meetings remotely has enabled them to save in the order of £6,000 per month through reduced travel expenses. We would be interested to receive more quantitative data about the cost savings that have been achieved, including any estimates of the comparative cost of running a remote meeting versus a face-to-face meeting.

Response – we consider that the following are advantages

- More accessible for local authority members
- Reduction in travel time for councillors
- Meetings more easily accessed by local residents
- Greater transparency for local authority meetings
- Easier to chair meetings in an orderly fashion

Other – contribution to reduction in carbon emissions through reduction in hard copy agendas and emissions associated with travelling to/ from meetings. Based upon a sample meeting of the Council's Area 2 Planning Committee in 2019 (at which 19 Councillors and 3 Members of staff were present, travelling a total of 202 miles to/ from the meeting), we estimate that, assuming average cars of unknown fuel type the emissions directly associated with the travel to the meeting would be 55.7 kg/CO<sub>2</sub>e. The WTT (Well To Tank) emissions (Scope 3 emissions associated with extraction, refining and transportation of the raw fuels) would be 14.4 kg/CO<sub>2</sub>e giving 70.1 kg/CO<sub>2</sub>e in total.

Authorities already provide access to online copies of documents, so we do not consider this to be advantage of remote meetings, albeit it is an essential element of any remote meeting arrangement.

Q4. (For local authorities only) Have you seen a reduction in costs since implementing remote meetings in your authority?

- Yes
- No
- Unsure

Some local authorities have also made reference to the difficulty that some members have had with the remote meeting format, particularly in relation to the difficulties in managing misconduct, the challenges of working with unfamiliar software, and technological issues caused by a poor internet connection. We are keen to obtain representative views on the disadvantages of remote meetings and would particularly welcome any quantitative evidence to support these views.

Response – Yes

We have seen a reduction in costs since implementing remote meetings in May 2020. For the financial year 2019/20, the costs incurred by Borough Council in connection with face to face meetings i.e. print costs for agendas, travel claims and room hire/ associated costs were over £9000 higher than the comparable costs for 2020/21 (£9334.84 compared to £181.41).

Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome? Please select all that apply.

- It is harder for members to talk to one another informally
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- There is less opportunity for local residents to speak or ask questions
- Some find it more difficult to read documents online than in a physical format
- Debate is restricted by the remote format
- It is more difficult to provide effective opposition or scrutiny in a remote format
- It is more difficult to chair meetings in an orderly fashion
- Virtual meetings can be more easily dominated by individual speakers
- It might enable democratically elected members to live and perform their duties outside their local area on a permanent basis, therefore detaching them from the communities they serve
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is conducted
- I do not think there are any disadvantages to remote meetings
- Other (please specify)

The government considers that there are also many advantages of holding meetings face-to-face. For example, physical meetings provide numerous opportunities for local authority members to speak with one another informally and build alliances, as well as to encounter local residents in the flesh and listen to their concerns in person.

Additionally, some members have referenced the vast improvement in the quality of debate when there is a lively atmosphere and they are able to make full use of their oratory skills to persuade and influence others. Some may consider remote meetings stifling and that physical meetings are essential to effective democracy and scrutiny.

Response – we consider that the following are potential disadvantages of remote meetings

- It is harder for members to talk to one another informally
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- Some find it more difficult to read documents online than in a physical format

The remote meeting technology in use by the Council allows for participants to join via a number of different devices e.g. laptop/ phone/ tablet, so poor quality internet connection is not necessarily a bar to participation e.g. a participant may join by telephone. Furthermore,

the Council has adopted protocols to ensure that the meeting can be adjourned if participants lose internet connection, so this has not been a significant issue since the remote meeting provisions were introduced.

However, allowing local authorities the flexibility to hold remote meetings would also allow hybrid meetings to be facilitated, so all of the above potential disadvantages could be overcome.

Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?

If express provision for remote meetings were made permanent, it might be preferable for the government to constrain the meetings or circumstances in which remote meetings can be held to ensure that effective democracy and scrutiny can still take place.

There are some occasions, for example, where a remote meeting format may be seen as more appropriate, such as for smaller sub-committees, meetings convened at short notice, or for meetings where attendees are drawn from a large geographical area i.e. for some joint committees, combined authorities and large rural authorities. On the other hand, there are occasions where a remote meeting format may be viewed as less appropriate, for example larger meetings involving Full Council or an authority's Annual Meeting.

Response – the main advantage of face to face meetings is the ability for face to face human interaction. However, allowing local authorities the flexibility to hold remote meetings would also allow hybrid meetings to be facilitated, so this potential disadvantage could be overcome.

Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?

- For all meetings
- For most meetings with a few exceptions (please specify)
- Only for some meetings (please specify)
- I think local should be able to decide for themselves which meetings they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings for any meetings
- Unsure

Response – For all meetings. There is no particular reason to allow only for certain types of remote meetings. It should be for individual local authorities to decide for themselves which meetings should meet remotely, as authorities do not have identical governance arrangements.

Q8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?

- In any circumstances

- Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, coronavirus restrictions)
- I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings under any circumstances
- Other (please specify)
- Unsure

While local authorities have risen magnificently to the challenge of ensuring vital council business continues by conducting meetings remotely during these unprecedented times, there may be concerns that, if the arrangements were to be made permanent, a situation could arise where remote meetings arrangements were used by a ruling party to avoid effective scrutiny or abuse the power in some other way.

**Response – Local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely.**

Q9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

- Yes
- No
- Unsure

**Response – No. It should be a matter of local discretion.**

Q10. If yes, do you have any suggestions for how your concerns could be mitigated/overcome?

In deciding whether and how remote meetings arrangements may be made permanent for local authorities in England, the government needs to ensure that it has due regard to the Public Sector Equality Duty. In particular, the government would need to avoid unlawfully discriminating (either directly or indirectly) against individuals with a protected characteristic, and also consider whether the arrangements advance equality of opportunity or help to foster good relations between those who share a protected characteristic and those who do not.

Many local authorities have spoken of the potential benefits that remote meetings could have for members or potential members with disabilities or young families. However, there are also those for whom remote meetings could pose additional difficulties, for example those with hearing or visual impairments or those more likely to struggle with the technology.

We are keen to consider views on these aspects of remote meetings and would particularly welcome any quantitative evidence to support views provided.

**Response – n/a**

Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

- Yes
- No
- Unsure

**Response – Yes. Allowing local authorities the flexibility to meet remotely is more likely to benefit individuals with protected characteristics e.g. disabilities and those with young families or caring responsibilities. The LGA National Census of Local Authority Councillors Census 2018 found that 16% of Councillors had a long-term health problem or disability which limited their daily activities, and 36% had a responsibility as a carer, most commonly looking after a child.**

## **About this consultation**

This call for evidence document and call for evidence process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this call for evidence, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this call for evidence has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

## **Personal data**

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the call for evidence.

### **1. The identity of the data controller and contact details of our Data Protection Officer.**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

### **2. Why we are collecting your personal data.**

Your personal data is being collected as an essential part of the call for evidence process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data.**

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a call for evidence.

### **3. With whom we will be sharing your personal data.**

We use a third-party platform, Citizen Space, to collect consultation responses. In the first instance, your personal data will be stored on their secure UK-based servers.

### **4. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the call for evidence.

### **5. Your rights, e.g. access, rectification, erasure.**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

**6. Your personal data will not be sent overseas.**

**7. Your personal data will not be used for any automated decision making.**

**8. Your personal data will be stored on a secure government IT system.**

Your data will be transferred to our secure government IT system as soon as possible after the consultation has closed, and it will be stored there for the standard two years of retention before it is deleted.

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Summary of Meeting Types and Issues to Consider

Theme	Meeting type		
	Face to Face (based on pre-covid arrangements)	Remote (based on experience during covid-19)	Hybrid
<b>Digital Strategy</b>	The production of hard copy agendas doesn't support Digital Strategy.	Paperless meetings support Digital Strategy.	Potential to support Digital Strategy through reduction in hard copy agendas and increased use of remote meeting technology. Extent of support will depend upon the number of Members attending meeting remotely.
<b>Climate Change Strategy</b>	Unlikely to make a positive contribution to Climate Change Strategy - no reduction in car use/ business travel and production of hard copy agendas.	<p>Supports following target within the Draft Climate Change Action Plan - <i>'Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel'</i></p> <p>Based upon a sample meeting of the Council's Area 2 Planning Committee in 2019 (at which 19 Councillors and 3 Members of staff were present, travelling a total of 202 miles to/ from the meeting), we estimate that, assuming average cars of unknown fuel type the emissions directly associated with the travel to the meeting would be 55.7 kg/CO<sub>2</sub>e. The WTT (Well To Tank) emissions (Scope 3 emissions associated with extraction, refining and transportation of the raw fuels) would be 14.4 kg/CO<sub>2</sub>e giving 70.1 kg/CO<sub>2</sub>e in total.</p> <p>Aside from vehicle emissions, there is currently no industry wide data available that would allow the Council to carry out an estimation of the climate change implications of attending a face to face meeting versus attending remotely. There are a number of variables and assumptions that we would need to take account of e.g. working spaces/ heating/ lighting etc.</p>	Potential to support following target within the Draft Climate Change Action Plan - <i>'Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel'</i> but the extent of support will depend upon the number of Members attending meeting remotely.

Theme	Meeting type		
	Face to Face (based on pre-covid arrangements)	Remote (based on experience during covid-19)	Hybrid
<b>Accessibility</b>	<p>Members are able to meet each other, Officers and residents, in a face to face setting and discuss matters informally outside of formal meeting process.</p> <p>Public able to attend face to face meetings in person.</p>	<p>More accessible generally to Members and residents, with greater flexibility to attend meetings.</p> <p>Allowing local authorities the flexibility to meet remotely is more likely to benefit individuals with protected characteristics e.g. disabilities and those with young families or caring responsibilities. The LGA National Census of Local Authority Councillors Census 2018 found that 16% of Councillors had a long-term health problem or disability which limited their daily activities, and 36% had a responsibility as a carer, most commonly looking after a child</p> <p>Reduced travelling time.</p> <p>Less accessible for Members/ residents who live in an area with poor internet connection, or who are unfamiliar with using remote meeting technology.</p> <p>Public able to attend remote meetings via laptops/ pc/ tablet/ phone. Ability to join by telephone if area has poor internet connection.</p>	<p>Potential to offer the best elements of face to face and remote meetings, as participants will be able to choose option most suitable to their personal circumstances.</p>
<b>Meeting Management</b>	<p>Simple to host and participate in due to no requirement to use devices other than i-pads to read committee papers.</p> <p>Suitable meeting rooms available at the Council offices and the Angel Centre, Tonbridge.</p>	<p>Members and Officers now experienced in using MS Teams for remote meetings.</p> <p>No physical meeting room required.</p>	<p>Members and Officers now experienced in using MS Teams for remote meetings. Further training may be required for the purposes of managing hybrid meetings.</p> <p>Suitable meeting rooms available at the Council offices and the Angel Centre, Tonbridge.</p>

Theme	Meeting type		
	Face to Face (based on pre-covid arrangements)	Remote (based on experience during covid-19)	Hybrid
<b>Financial Considerations</b>	<p>Financial implications arising from staff overtime keeping offices open out of hours; provision of hard copy agendas for Members and the public gallery (in financial year 2019/20 agenda print costs amounted to £2,623.30; 2020/21 agenda print costs amounted to £91.41).</p> <p>Financial investment required in solution to provide livestreaming. [<i>cost estimate awaited from supplier – Members will be updated at the meeting</i>]</p> <p>Costs related to room hire and audio-visual support for Tonbridge Forum and Area 1 Planning Committee (in financial year 2019/20 costs amounted to £4,284.75).</p> <p>Costs related to refreshments at the Angel Centre 2019/20 = £317.49, Costs related to Licensing and Appeals Panel = £36.00</p> <p>Travel and subsistence costs (in financial year 2019/20 claims amounted to £2,073.70; 2020/21 = £90).</p>	<p>Remuneration for Officer livestreaming proceedings. This might not be necessary if technological solution found to livestream automatically.</p> <p>Would allow for rationalisation of meeting room space and reduction of overheads.</p>	<p>Financial implications arising from staff overtime keeping offices open out of hours; provision of hard copy agendas for Members and the public gallery (in financial year 2019/20 agenda print costs amounted to £2,623.20).</p> <p>Financial investment required in solution to facilitate hybrid meetings and livestreaming [<i>cost estimate awaited from supplier – Members will be updated at the meeting</i>]</p> <p>Costs related to room hire and audio-visual support for Tonbridge Forum and Area 1 Planning Committee (in financial year 2019/20 costs amounted to £4,284.75).</p> <p>Costs related to refreshments at the Angel Centre 2019/20 = £317.49, Costs related to Licensing and Appeals Panel = £36.00</p> <p>Travel and subsistence costs (in financial year 2019/20 travel claims mounted to £2,073.20). The reduction in claims associated with hybrid meetings will depend upon the number of Members attending in person versus number attending remotely.</p>
<b>Webcasting</b>	<p>Would be required to support webcasting in Council Chamber, Committee Room and at the Angel Centre, plus smaller meeting rooms to support briefings.</p> <p>Borough Council does not currently have an audio-visual or webcasting system to provide automatic livestreaming of face to face meetings without financial investment.</p>	<p>No further technology required. Potential to remove staff costs of livestreaming if technological solution found to automate livestreaming.</p>	<p>Investment required to enable webcasting</p>

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 www.tmbc.gov.uk	<b>RISK ASSESSMENT:</b> <a href="#">COUNCIL MEETINGS</a> Returning to face to face meetings post 7 May 2021		<b>RISK ASSESSOR/S:</b> Kevin Toogood (Head of Legal & Democratic Services) supported by Sally Rollings (Health and Safety Officer)
	<b>DEPT:</b> Democratic Services  <b>REF:</b>	<b>SEVERITY (S) X (L) LIKELIHOOD = (RR) RISK RATING</b>	<b>RISK ASSESSMENT DATE:</b> <b>RISK REVIEW DATE:</b>
<b>Description of Area/Activity/Process:</b> Conduct of all Council meetings post 7 May 2021 due to expiry of legal power to hold virtual meetings. It is expected that social distancing restrictions will remain until at least 21 June 2021.			

<u>Hazard / Activity / Risk</u>	Person(s) at Risk	Severity	Likelihood	Risk Grading	<u>Existing Control Measures in place</u>	<u>Additional Control Measures / Action Required</u>	Risk Grading After Actions Completed	Person Responsible	Date completed
<p>1. <b>Managing Social Distancing - Members</b></p>	Elected Members / staff/ public	5	2	10	None – meetings have been held virtually since March 2020	<ul style="list-style-type: none"> <li>• Reduced number of attendees at meetings to allow for 2m social distancing (21 Members/ 3 member of staff/ 10 members of public/ 2 press in Council Chamber). Seating plan produced (attached).</li> <li>• Until all social distancing requirements are lifted, all meetings to be held in the Council Chamber at the Gibson Building</li> <li>• Allow non-Committee/ Board Members, staff, press and public to join meeting remotely.</li> <li>• No meetings to be held in the Committee Room</li> <li>• One-way entry and exit system for council chamber</li> <li>• Roll call of attendance to continue to remove the need to circulate/share an</li> </ul>	5	Allison Parris	01.04.2021

						attendance list and pens.			
<b>2. Managing Social Distancing – staff</b>	Staff engaging with Elected Members / public at meetings	5	2	10	None – meetings have been held virtually since March 2020.	<ul style="list-style-type: none"> <li>Minimum number of staff in attendance at meetings. Allow for remote attendance.</li> </ul>	5	Allison Parris	01.04.2021
<b>3. Managing Social Distancing – press and public</b>	Press/ public attending meetings	5	2	10	None – meetings have been held virtually since March 2020. Press and public have either been able to attend MS Teams meeting (if exercising a right to speak) or watch meeting via YouTube.	<ul style="list-style-type: none"> <li>Meetings to be streamed via YouTube to minimise need for press and public to attend</li> <li>Press and public to be able to attend meeting remotely if preferred.</li> <li>Press and public wishing to attend at Gibson Building can view proceedings via video link in Committee Room (max capacity 10).</li> <li>Prior notification/ “first come- first served” process for entry to committee room.</li> <li>Public speakers for planning committees to be “held” in separate area and escorted into meeting for their allocated time. Limit on number of public speakers at planning committee (due to capacity of committee room)</li> <li>Public speakers to remain standing to address the Committee</li> </ul>	5	Allison Parris	01.04.2021

						<ul style="list-style-type: none"> <li>to avoid having to clean or change seats between speakers.</li> <li>Additional resource (caretaker) to escort public into speaking area and to crowd control measures.</li> </ul>			
<b>4. Ventilation</b>	Elected Members / staff/ press & public	5	2	10		<ul style="list-style-type: none"> <li>Doors and windows to remain open throughout all meetings to ensure circulation of fresh air. Attendees to be reminded of this and advised to dress appropriately.</li> </ul>	5	Allison Parris	01.04.2021
<b>5. Personal Protective equipment (PPE)</b>	Elected Members / staff/ press & public	5	2	10		<ul style="list-style-type: none"> <li>Members/ staff/ press and public to wear face covering when not speaking at meetings</li> <li>Members/ staff/ press and public to use from pool / or issued Hand gel, face masks</li> <li>Hand sanitiser to be placed at entrance and in the Council Chamber and Committee Room.</li> </ul>	5	Allison Parris	01.04.2021
<b>6. Managing exposure to transmission</b>	Elected Members / staff/ press & public	5	2	10		<ul style="list-style-type: none"> <li>Agendas to be reviewed by Chairman &amp; Vice-Chairman</li> <li>No information reports until social distancing restrictions lifted</li> <li>Duration of meeting to be monitored to limit exposure. If necessary items to be deferred to future meeting</li> </ul>	5	Allison Parris	01.04.2021

					<ul style="list-style-type: none"> <li>• Reduce number of meetings per week to reduce/limit exposure for Officers/Members attending.</li> </ul>			
<p><b>7. Test and Trace</b></p>	<p>Elected members /staff/press and public</p>			<p>QR codes at all entry points to Gibson Building</p>	<ul style="list-style-type: none"> <li>• Additional QR codes at entrance to council chamber</li> <li>• Notices (website, agendas etc) to all attendees that they must have the Test and Trace app and scan the QR code if they wish to gain access to the meeting</li> <li>• Attendees are to be reminded that they should not come along if they have any covid symptoms</li> <li>• Attendees encouraged that where possible lateral flow tests at home can be conducted</li> <li>• Toilet facilities at Gibson Building - one person at a time. To be regularly checked by caretakers for adequate paper towels and soap</li> <li>• Car parking– Attendees to be encouraged to leave a parking space free between each other and space out.</li> <li>• Drinks – Attendees to be advised that they should bring their own water or other refreshments.</li> </ul>			<p>V1 April 2017 SR</p>

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# Agenda Item 4

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 5

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 6

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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