

Non-Executive Report of the: General Purposes Committee Thursday, 24 June 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Physical, Hybrid and Virtual Committee meetings	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

During the Covid-19 pandemic the Council has made use of extensive powers (Statutory Instrument (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020)) to operate virtual council and committee meetings.

Those regulations have now expired and the Council has reverted to holding physical meetings with some features of virtual meetings retained (such as allowing some speakers to continue to attend virtually).

Over the last year and a half, Members have experienced a full range of meetings including fully physical, fully virtual and also hybrid committees.

This is therefore a good opportunity for the Committee to discuss the advantages and disadvantages of the different types of meetings and to consider creating guidance on their appropriate use in the future. Any guidance that is developed could then be included in the Council Procedure Rules in Part B of the Constitution.

The report sets out initial research and commentary on the options. The Committee can then review, discuss and steer as appropriate.

Recommendations:

The General Purposes Committee is recommended to:

1. Consider the opportunities and challenges associated with each type of Committee meeting (physical/virtual/hybrid) and provide officers with a steer as to how the Council should develop its meeting procedure rules to govern these meeting types.
2. Consider the equalities opportunities and risks associated with each meeting type in coming to the above conclusions.

1. REASONS FOR THE DECISIONS

- 1.1 Good governance requires that the Council make best use of the different committee meeting options available to encourage open and accessible decision making.
- 1.2 At its Annual Meeting on 19 May, Council agreed that the General Purposes Committee should explore the opportunities potentially available from hybrid and virtual meeting and to look at any risks or risk mitigation measures.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could recommend that the Council return to only holding fully physical meetings. This is not recommended as it is proposed that there are opportunities for improved engagement should at least some hybrid/virtual technologies be embraced.

3. DETAILS OF THE REPORT

- 3.1 Following the start of the Covid-19 pandemic which was preventing physical meetings from taking place, the government enacted a new Statutory Instrument (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020) to allow virtual meetings to take place.
- 3.2 Now that the regulations have expired, meetings have to operate from a physical location again. However, the experiences of the last year and the new technologies now available mean that there are potentially new ways of operating meetings that were not available before. At a basic level this could simply mean outside experts being able to provide evidence or submissions to scrutiny meetings virtually, at the other end of complexity spectrum it could mean meetings where half the participants are virtual and the other half are in the room.
- 3.3 With the Covid-19 restrictions gradually being relaxed, and with Members now having the experience of three types of committee meeting (physical/hybrid/virtual), now is seen as a good time for the General Purposes Committee to start discussing how it considers the Council could best make use of new technologies/solutions and where a return to fully physical meetings would be most desirable.
- 3.4 Subject to the views of Committee Members, officers will prepare revised Council Procedure Rules to accommodate agreed methods of meeting operation.

- 3.5 This report provides a summary of the options available. More detailed information is set out in the appendices to the report. The report assumes that when these rules come into force there would be no, or minimal, Covid-19 restrictions.

Potential recommendations

- 3.6 Officers have looked at all the options available and monitored discussions taking place and have identified some key criteria for use when planning new procedures. Particular issues noted included:
- The need for any new rules to be simple to understand and easy to enforce.
 - Ensuring that arrangements and technical requirements were not over complicated or required additional expenditure or excess officer time to manage/operate.
 - The expected desire of most residents to be able to physically see important decisions being taken.
 - The additional ceremony and formality provided by physical meetings.
 - That attendance had often been higher at virtual meetings, especially at 'smaller' committees or those which were undertaking consultative tasks.
 - That home working would remain a big feature in the future and it would not always be possible for all participants to attend physically.
 - Feedback from many third parties was that they appreciated the added flexibility of virtual meetings.
 - That virtual technology was likely to continue to develop.
- 3.7 Minimum legal requirements – the Monitoring Officer has reviewed the regulations that are in place and has determined that, unless new virtual meeting regulations were to be enacted, the following are the minimum requirements to ensure a formal committee meeting can take place.
- At least a quorum of committee members must be physically present.
 - Other committee members could participate virtually but would not be technically 'present' and would not be able to vote.
 - Key officers must be present including:
 - Clerk
 - Legal officer (if one would normally be present or if it is expected one would be required)
 - A lead officer responsible for the committee or the service in question. This will vary depending on the nature of the Committee.
 - Arrangements for applicants/objectors and other public speakers to attend physically unless they indicate they wish to present virtually.
 - Seating for the press and public.

3.8 Taking the above into account the following were drafted up as potential recommendations on the future of physical/hybrid/virtual meetings.

A - Fully Physical – Council

All attendees would be in attendance physically at the Town Hall.

Reasons:

- This is a big set-piece event which is also highly formal.
- It has a large attendance which makes it extremely difficult to ensure anyone on screen could be seen by all those participating.
- Council involves all Councillors/Mayor taking decisions and so it is not appropriate for them to be participating remotely and not able to vote.
- Exceptions allowing virtual attendance could be granted very occasionally for an external expert or special guest on the agreement of the Speaker and Monitoring Officer.

B - Hybrid Meetings – Cabinet and most Committees

All Members and key officers required to attend. All other participants given the option of attending physically or virtually.

Reasons:

- Decision-makers should be taking decisions and so should not be attending virtually where they cannot vote.
- Attendance by key officers (and any other key participants) ensures best support for the discussions and any informal discussions needed. Also means that the impact of any technical faults could be mitigated as they would be physically present.
- Allowing others to participate remotely acknowledges the efficiency and convenience of virtual attendance and ensures the public do not have to travel to the town hall to take part.

C - Virtual Sessions – a potential option for scrutiny and non-decision-making meetings.

Reasons:

- Where no formal decisions are being taken then there is no need to hold a physical committee meeting and so a virtual sessions is an option.
- Virtual sessions will not be classed as Committees to avoid confusion.
- Virtual sessions would still have presentations, discussion documents, notes of the meetings etc which would be published on the website. They could also be webcast.
- For example, a Scrutiny Sub-Committee could meet at the start of the year to agree its work plan and then delegate to officers' responsibility to enact actions from any virtual discussions. Formal committees would only arranged should an important decision be required.
- These arrangements (or similar) should only be enacted within agreed boundaries and only where that committee chooses this method of operation.

Options considered but not included

3.9 Other options set out below were considered but were not included in the above. As a general point, it was also felt that keeping the number of options to a minimum was important to avoid confusion.

D – Physical Core – the legally minimum required attendance (quorum of Members, clerk, legal services, lead officer) with all other attendees expected to join virtually.

Reasons rejected:

- If a Member is on a committee then they should be at the meeting.
- Potentially confusing to the public as to the different types of Members involved and why some of those listed on the agenda can vote and others cannot.
- There may need to be more officers in attendance depending on the reports on the agenda.
- This option is likely to be popular where there are no ‘controversial’ decisions to be taken but it is not always possible to anticipate what those would be.

E – Fully Physical (Small) - for smaller committee meetings – to reduce administrative burden at small meetings where no public attendance is expected, revert to fully physical meetings with no webcasting or hybrid option.

Reasons rejected:

- Developments in the technology available mean the goal is that all meetings will only require one support officer (the clerk) in the near future and so the goal of reduced support impact is met without having to bring in these restrictions.
- Should the technology not develop as anticipated then this may have to be revisited.

F – Fully Virtual Committee – potentially there are some committees that could continue to operate virtually with no physical attendance required. This would be either because they operate under different regulations (e.g. Licensing Sub-Committees) or because there is no significant risk of a challenge to their decisions (e.g. Scrutiny).

Reasons rejected:

- There are mixed views as to whether Licensing Sub-Committees are able to operate virtually some London Boroughs are continuing to meet virtually whilst others have reverted to physical meetings.
- It is not good governance to allow meetings to take place outside the framework even if the risk of challenge was low.
- This option would cause confusion for the public as to why some committees were being treated differently.

Individual Mayor/Cabinet Decision Making

- 3.10 The Mayor has taken a number of individual decisions before and during the pandemic, these do not require formal committee meetings. This option is still available, as is the ability to increase individual cabinet member decision making. These decisions could still be webcast or form part of informal discussions (as some have in the past). It is for the Mayor and Executive to determine their decision-making arrangements.

New Town Hall

- 3.11 The Council is due to move into the new building within the next 18 months. The location of the building will be much easier to reach, which should help physical attendance.

Webcasting

- 3.12 Over the last year all meetings have been webcast. This has increased the administrative and financial cost of holding committees. Careful consideration will be needed on the appropriate level of webcasting for future meetings. Appendix 1 sets out more information on webcast viewing.

Other Local Authority Plans

- 3.13 At this stage most authorities have been concentrating on the immediate task of ensuring hybrid and/or physical meetings could be conducted during the remaining Covid-19 restrictions. Therefore, no clear pattern of long-term patterns have become apparent. A few themes are emerging and these are set out later in the report. Officers will continue to monitor discussions and any important trends will be highlighted in future reports.

Conclusion and timelines

- 3.14 The Committee are asked to consider the above and help steer the creation of any appropriate guidance. A follow-up report will be presented to a later meeting following the steer provided by this meeting.

4. EQUALITIES IMPLICATIONS

- 4.1 When considering options for holding committee meetings it is important to balance the different equalities implications of holding physical and/or virtual meetings. Some people may not have access to the relevant technologies required to join meetings

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 None specific to this report but any new Council Procedure Rules will have to ensure they are compliant with relevant regulations to ensure there is no risk of challenge to the decisions taken.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This is only a scoping report so there are no decisions direct from it that will result in extra expenditure. If any proposals do later require additional funding then a growth bid would be required.

7. COMMENTS OF LEGAL SERVICES

7.1 There is no single model for hybrid meetings prescribed by legislation.

7.2 However, any procedure rules agreed must still strike a fair balance between openness and orderly conduct. S.100A Local Government Act 1972 still applies (local authority meetings to be open to the public) and Members of the Committee and key officers must be in physical attendance for a meeting to be validly held under the statutory provisions.

7.3 In terms of the Equality Act 2010, consideration must be given to ensure that the procedure rules for hybrid meetings do not negatively impact those with protected characteristics (particular consideration to age and disability) and do not overall make it more difficult to attend a meeting.

Linked Reports, Appendices and Background Documents

Linked Report

- Report to the Annual Council meeting on the Council's Constitution – 19 May 2021

Appendices

- Appendix 1 – webcast viewing stats
- Appendix 2 – summary of government consultation

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

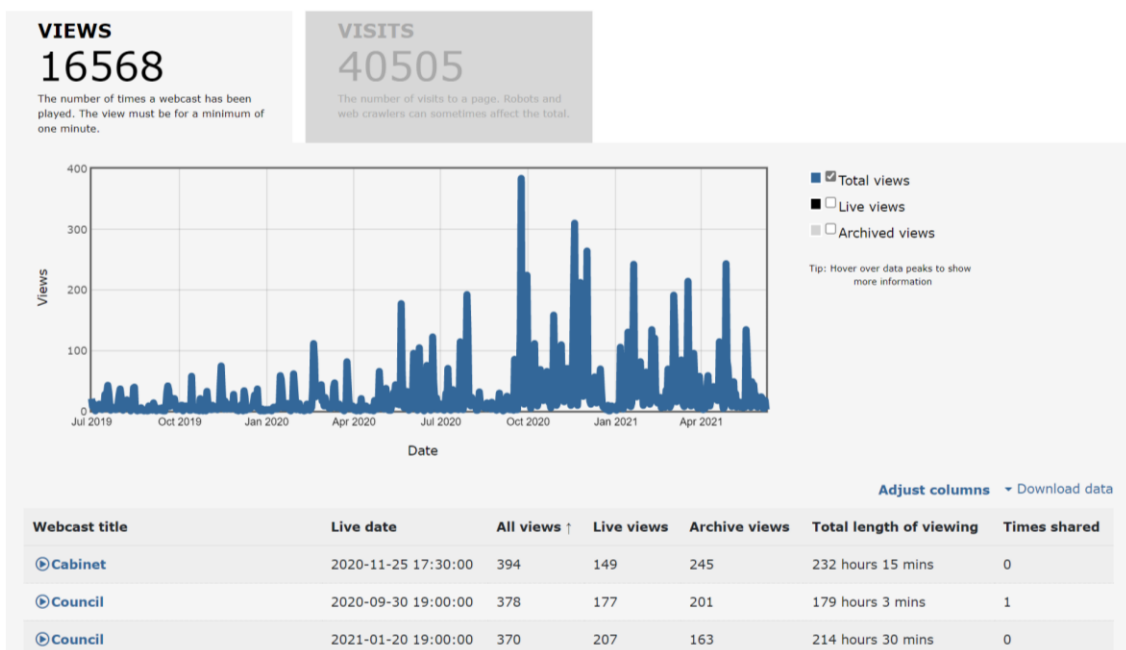
- None

Webcast views

1. It is interesting to note that views of the council’s webcasts have increased significantly during the lockdown period. This will partly be due to the increased number of meetings being webcast (all are now webcast whereas before only the main committee were) and viewing by people who would have joined in the public gallery if they could but looking at individual figures it seems that the increases are significantly higher than if those were the sole reasons.
2. There could be a number of reasons for this. Awareness of this option will have increased as people now expected to be able to access meetings via the web whereas they may not have expected that before. Equally, more officers and Members may have thought to view webcasts of meetings they were not directly involved in (or those they would have attended to view rather than participate in).

Note – the following figures do not include those who directly participated through Teams but they do include officers and Members who viewed the webcasts through the Public-I site either live or after the event. Each view must be for a minimum of 1 minute to count.

3. The following chart sets out total webcast views (live and archive) between 1 July 2019 and 1 June 2021. There is a clear increase in viewership following the introduction of virtual meetings around May 2020. The bottom of the chart also shows the top three meetings for ‘views’, all taking place during the pandemic period.



4. Breaking the figures down a bit shows the change in more detail. The below figures show comparisons between the same date ranges one year apart:

1 Jul 2019 to 1 Mar 2020

2545 total views

Largest total on a given day (live and archive): 111

Highest for a meeting (live and archive) - 279 (Budget Council Feb 2020)

1 Jul 2020 to 1 Mar 2021

8504 total views

Largest total on a given day (live and archive): 384

Highest for a meeting (live and archive) 383 (Cabinet 25 November 2020) but 7 meetings beat the highest in previous period.

Costs – time and money

- 3.15 On the raw figures it would suggest that webcast viewing is becoming a more popular and they are a good way of increasing the transparency of council decision making, but there are still big differences between the most popular and least popular meetings with many attracting 10-30 views. Hosting fees (additional cost of around £2-3k for the first half of the lockdown period) and officer time (an additional member of staff per meeting – although it is hoped to reduce this with new hardware being installed) should also be considered when looking at the impact of webcasting which could suggest that once Covid-19 restrictions are eased there could be an argument for not webcasting the smallest meetings.
- 3.16 For meetings where public attendance is not expected to be high there may be an option to add attendees to the Teams meetings setting them as 'non-participatory'.
- 3.17 The Committee may wish to take a view on whether they consider that all meetings should continue to be webcast or whether the council should revert to just webcasting the larger meetings.

Reasons for holding physical and/or virtual meetings

Based on experiences over the last year and the government's consultation on the future of virtual meetings, the following are reasons that have come up in discussion as the main issues to balance when considering whether to steer towards physical or hybrid meetings:

Potential positive reasons for physical meetings

- Consistency with decision making arrangements over the years.
- Better accessibility for those who do not have access to good-quality internet access.
- Easier for Members to communicate informally and for officers to informally advise Members.
- Debate can flow more freely including with public speakers
- Easier to vary from a pre-planned procedure.
- Easier to ensure all participants are present, are paying full attention and for the Chair to be aware of activities/discussions taking place around the meeting.
- Does not rely on computer technology/internet to hold the meeting.
- Room layout makes it much clearer who is performing each role (who are the Committee members, who are the lead officers etc).
- Fully physical meetings (especially with no webcasting) potentially require less officer support from Democratic Services.

Potential positive reasons for virtual and hybrid meetings

- Meetings are more accessible as Members/officers and the public do not have to travel to the town hall. This has encouraged higher attendance and has been a repeated comment from those participating in virtual meetings.
- Reduced travel time also makes people more efficient as they can do other things (including attend other meetings) when they would have been travelling.
- Using the technology as part of the meeting allows a greater use of different sources of information such as playing internet videos, searching web pages, online voting etc. the Chat system can be useful to add links, information for the meeting to see etc.
- Meetings are more structured and easier to manage for the chair.
- Virtual participants are easier to 'mute' or remove if they misbehave and so participants tend to be more polite. Easier to control speaking time.
- If the public gallery is virtual then it is not possible to disrupt the meeting in the same way.

- Reduced attendance at the Town Hall may reduce the need for support from Facilities Management and reduces the need to book large meeting rooms which could then be used for other purposes.