

Subject:	Council and Committee meetings from 1st August 2021
Date of Meeting:	15 July 2021
Report of:	Executive Lead Officer for Strategy, Governance & Law (Monitoring Officer)
Contact Officer: Name:	Abraham Ghebre-Ghiorghis
Email:	abraham.ghrebre-ghiorghis@brighton-hove.gov.uk
Ward(s) affected:	All

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to seek the agreement of Members regarding arrangements for future meetings of the Council, its Committees and other bodies. It is proposed that the recommendations take effect from 1st August 2021: the date when the arrangements [agreed by this Committee on 13 May 2021](#) lapse.
- 1.2 The proposals set out in this report have been considered by Leaders Group.

2. RECOMMENDATIONS:

- 2.1 That Members note that the detailed arrangements outlined in the previous report to Policy & Resources Committee and its Appendices were put in place as a transitional measure only and will cease to have effect at the end of 31st July 2021.
- 2.2 That Members agree to revert to attendance in person by members, co-optees and standing invitees who are appointed to decision making meetings of the Council, its Committees and Sub-Committees from 1st August 2021 subject to the safeguards listed in paragraph 4.3 of the report.
- 2.3 That Members agree to end the arrangements agreed on 13 May 2021 for use of enhanced delegations to officers.
- 2.4 That Members authorise the Chief Executive and the Executive Officer for Strategy, Governance & Law to take such steps as are necessary or incidental to ensuring that the arrangements for meetings are safe, following consultation with the Director of Public Health and Group Leaders.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The legal framework which governs the Council's meetings is provided by sections 101 and 102 of the Local Government Act 1972 and Schedule 12 to the Act. Crucially, it provides that matters determined by members at a local authority

meeting may only be decided upon by those members both 'present and voting' at the meeting.

- 3.2 While the Government put in place Regulations to permit local authorities to meet virtually early on in the pandemic, those Regulations were framed in such a way that they expired on 7th May 2021.
- 3.3 The position was challenged in a High Court case, brought by Lawyers in Local Government and others, seeking a declaration to the effect that the Local Government Act 1972 does not require attendance in person. The High Court judgment was unequivocal that attendance at meetings have to be in person and in one geographical location to comply with the 1972 Act. The court also confirmed that the public must be granted access to local authority meetings in person and virtual attendance by the public does not comply with the 1972 Act.
- 3.4 As a result, transitional arrangements were agreed which included 'pared down' attendance by elected members and co-optees and standing invitees. This was supplemented by provision for officers to exercise enhanced delegated powers to relieve the burden on the Council's decision-making bodies and to reduce time spent in face to face meetings. Arrangements were also made for the virtual attendance by members and the public to ask questions, present deputations and petitions and for officers to present their reports virtually.
- 3.5 The transitional arrangements outlined in para 3.4 were agreed for meetings taking place in the period up to 1st August 2021, after which time they will lapse.

4. PROPOSALS

- 4.1 This Council is committed to democratic and transparent decision-making and a strong level of public engagement. A return to the visible and active participation by all of the elected members, co-optees and standing invitees appointed to the Council's decision-making bodies is considered important to achieve as soon as this can be safely implemented.
- 4.2 The LGA continue to lobby the Government to implement a change in the law to permit hybrid meetings. It is still hoped that new legislation will be introduced which would enable participants to be present either physically present or virtually, with equal opportunity to input and vote. The Government has issued a 'Call for Evidence' in relation to the arguments for and against allowing virtual or hybrid meetings and the Council has responded to this to support the case for a change to the law. Unless or until legislation is passed the Council must stay within the current law.
- 4.3 It is expected that England will move to Step 4 of the Government road map out of lockdown on 19th July 2021, with the announcement taking place on 12th July. On the basis that the remaining restrictions on social contact and events are lifted from 19th July, it is proposed that the following arrangements are put in place for Council meetings taking place from 1st August 2021:-
 - (i) All members, co-optees and standing invitees appointed to Council Committee and Sub-Committee meetings will be invited to attend the meeting in person;

- (ii) Those members of the public seeking to attend or contribute at the Council's meetings will be able to attend in person if they wish, but will continue to be encouraged to do so remotely where possible;
- (iii) Attendance by the public (in the public gallery rather than those presenting questions, petitions and deputations) will be limited to a maximum of 6 on a first come first serve ticked arrangement;
- (iv) Officers presenting reports, other than the relevant Executive Director, Committee Lawyer and Decision-support Officer, will continue to do so remotely where possible;
- (v) All those attending Council or committee meetings will be required to wear masks;
- (vi) There shall be sufficient ventilation of the meeting venue to at least the standards in the current arrangements;
- (vii) An updated risk assessment will be prepared, following consultation with representatives from Health & Safety and Public Health and taking account of national guidance and local infection rates, to advise on mitigations for example, room layout and advice on face coverings;
- (viii) The Chief Executive will keep these arrangements under review regularly in consultation with Group Leaders and the Director of Public Health;
- (ix) Should further restrictions be necessary following the review or risk assessment mentioned above (such as a surge in the number of Covid cases) further precautionary measures may be introduced by the Chief Executive following consultation with Group Leaders.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The proposals in this Report offer a way forward which is considered to be compliant and to sit within current health and safety risks. Officers will monitor the situation and will bring a future report should the law change.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 Group Leaders have been consulted in relation to the proposals set out in this report.

7. CONCLUSION

- 7.1 The proposals outlined are recommended as offering a way forward which is consistent with legal advice and with current public health guidance.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 Any costs associated with proposals listed in the report will be covered by the relevant Directorate or Corporate Budgets.

Finance Officer Consulted: Nigel Manvell

Date: 07/07/21

Legal Implications:

- 8.2 The legal implications are indicated in the body of the Report. Should the legal landscape change, then officers will review the changes and will recommend any steps considered necessary and proportionate.

Lawyer Consulted: Victoria Simpson

Date: 24/06/21

Equalities Implications:

- 8.4 The proposals are made with the recommendations of the Director of Public Health taken into consideration and the intention to ensure the health and safety of all those involved in the decision-making process and in accordance with current government guidelines.

SUPPORTING DOCUMENTATION**Appendices:**

None

Background Documents

None