

PROPOSED REPORT TO COUNCIL- PROTOCOL FOR COUNCIL AND COMMITTEE MEETINGS

1. Purpose of the report and policy context

1.1 At its meeting on 3rd February 2022, full Council agreed arrangements for holding Council and Committee meetings during the pandemic. The arrangements were intended to remain in force until after annual Council subject to any review at the Council meeting on 7th April.

1.2. Given the uncertainty , this report proposes that the current arrangements are extended until This report proposes the extension of the arrangements until the meeting of full Council on 21st July 2022 with some modifications.

2. Recommendation

2.1 That the arrangements set out in the draft protocol attached in the Appendix below be agreed and come into effect immediately after annual Council on 26th and come to an end immediately after the full Council meeting on 21st July unless full Council agrees different arrangements before that day.

2.1 That the Chief Executive be granted delegated powers to modify the requirement regarding the wearing of masks and need for a lateral flow test ahead of Council or committee meetings.

3. Context and background information

3.1 The Council, at its meeting on 3rd February, adopted arrangements for Council and Committee meetings to reflect the risk from the Covid 19 pandemic. This was intended to last until annual Council subject to a review at full Council on 7th April.

3.1 The Officer working group with representatives from Public Health, Health and Safety, Premises, Legal Services and Democratic Services reviewed the situation in the light of the legal requirements, guidance from government and local circumstances. Given the uncertainty regarding the pandemic, it would be premature to lift all the precautions currently in place. There have been signs of occasional increase in the level of infections which add to uncertainty. Despite the relaxation of the rules under Coronavirus legislation, the Council still has a duty under the Health & Safety at Work Act 1974 as well as the common law of negligence to ensure the health and safety of the public, including Members and Officers.

3.2 Taking the above into account, the Council is recommended to adopt the protocol set out in the Appendix.

8. Financial implications 8.1 There are no material financial implication arising from this report. It is expected that costs arising from the arrangements for the meetings, given that council buildings will be used, will be covered by existing resources. Finance officer consulted: Peter Francis Date consulted 14/01/22 9. Legal

implications 9.1 The proposals in the report comply with the requirements of the Local Government Act 1972 and the Council's obligation under the Health & Safety at Work Act 1974. Lawyer consulted: Abraham Ghebre-Ghiorghis Date consulted 12/01.2022 10. Equalities implications 10.1 There are no adverse equalities implications arising from this report. The ability of the public to present questions, petitions or deputations are preserved. Where any reasonable adjustments are necessary to enable an individual to take part or follow the proceedings, that will be accommodated. 11. Sustainability implications 11.1 Enabling matters to be dealt with in the virtual engagement sessions will have a beneficial impact by reducing the need to travel. 12. Public health implications 12.1 The proposals will have a positive impact by reducing the likelihood of the spread of infection. Supporting and Background document

Appendix

PROTOCOL FOR COUNCIL AND COMMITTEE MEETINGS

1. Effect and Duration of the protocol

1.1 This protocol shall come into force immediately after it is approved and, subject to any prior review, cease to have effect following the meeting of full Council on 21st July.

1.2 The Council Procedure Rules shall be applied subject to the requirements in this protocol. Where there is an inconsistency between existing Council Procedure Rules and this protocol, the protocol shall take precedence and the procedure shall be interpreted as modified by the protocol during the time the protocol is in force.

2. Venue for meetings

1.2 Meetings full Council and Committees and Sub-Committees shall take place at Hove Town Hall. This shall not apply to Annual Council or meetings of the Licensing Panels or Personnel Appeals Panels where different arrangements may be made.

1.3 The Chief Executive shall continue to have the power under Council Procedure Rules to determine that a meeting takes place at a different venue where HTH is not available or he is of the view that an alternative venue would be more appropriate taking all the circumstances into account.

1.3 Annual Council meeting on May 26th meeting shall take place at Brighton Town Hall.

3. Public and Member Engagement Sessions

3.1 Public and Member engagement sessions will continue to take in place for some items. The session will take place, as now, virtually and Members will not be required to attend in person unless they wish to do so.

3.2 The items of business to be dealt with in the Public and Member engagement sessions shall be:

- Presentation of petitions (this will not include petitions for debate which will be dealt with in the Council meeting.)
- Deputations
- Public Questions
- Members' Oral questions

3.5 People who present petitions, deputations or questions and Members who ask Oral Questions will be able to do so virtually. In exceptional circumstances, such as

when a member of the public has some special need, a facility will be made available for them to present their questions, petitions etc. in person via a link at Hove Town Hall which will be relayed via Teams, but the Member answering the question or responding to the petition/deputation will not be required to attend in person.

3.6 The Public and Member Engagement Sessions are not part of a formal council meeting and the meeting shall not have the status of a local authority or committee meeting for the purposes of the Local Government Act 1972.

3.7 Public and Member engagement session shall start at 4:30 PM. The main Council meeting (with attendance in person) shall start at 6:30 or after a gap of 1 hour following the Public Engagement Session, whichever is the later.

3.8 The public engagement sessions will be chaired by the Mayor.

4. Petitions for Debate

4.1 Petitions for debate will be dealt with in the main “in person” meeting of Council in the usual way and not in the public engagement session.

5. Oral Questions from Members

5.1 In line with the recommendations of the Constitutional Working Group and Group Whips, Members are encouraged and expected to follow the following good practice:

- Members ask their questions briefly (not read out a speech) and that questions are such that they should be on general policy, not requiring specialist knowledge, technical information or require briefings from officers
- Members answering questions should provide brief answers and not read out text unless absolutely essential.
- As a general guide, questions should not take more than a minute to ask and answers should not take longer than 3 minutes.

6. Committee reports to Council

6.1 It is expected that Committee reports which are for noting or where there is broad consensus are not called. Group Leaders and/or Whips should agree the items to be debated in advance so as to reduce the number of items debated and minimize the length of the meeting.

6.2 Where items are called, the number of speakers should generally be limited to 1 speaker from each group, with the Chair introducing the item and responding to the debate before the vote. The Mayor will have the discretion to invite Independent Members to speak but not necessarily on every item.

7. Notices of Motion

7.1 It is expected that as many of the Notices of Motion as possible are “passported” to the relevant committee to leave, as an indicative target, one Notice of Motion per group to be debated at full Council. The number of speakers is proposed to be restricted to 1 per group.

7.2 The Committee to whom a NOM is referred will have the authority to make a decision on the matter if it is not by law, or under the Council's constitution, reserved to full Council or another committee. The member who tabled the motion (the mover) and the seconder will be invited to the relevant committee to present the motion.

7.3 When a Notice of Motion is passported to a Committee, without prejudice to the rights of the mover and seconder to attend to present the petition, it shall be deemed to have been moved and seconded and there shall be no requirement for a member of that Committee to move or second the motion.

8. Attendance

8.1 By law, any Member of the Council is entitled to attend a meeting of full Council and the following recommendation is advisory

8.2 Having regard to the continued risk from the pandemic and the restriction on available seating at Hove Town Hall, as well as lack of suitable alternative venues as a reasonable cost, Members are recommended to reduce attendance at full Council to the minimum necessary to meet the quorum, which is 14. If split proportionately between the different Groups, the numbers would be:

Greens: 5

Labour: 4

Conservative: 3

Independents: 2

8.3 Groups are encouraged to co-operate with each other and either implement the above split or agree a modified allocation depending on the agenda.

8.4 Attendance at annual Council is expected to be full attendance (54 Councillors.) Given the special nature of the occasion and the relatively short duration of the meeting, this is considered to be appropriate. Arrangements will be made with the incoming Mayor regarding attendance by guests but is expected to be limited to family members with other guests joining remotely.

8.5 Up to 6 seats will be made available for all full Council meetings subject to prior bookig.

9. Wearing of Masks

9.1 In line with recommendations of the officer working Group, all Members, Officers and members of the public attending Council meetings shall be required to wear masks throughout the meeting unless they are exempt. Exemption applies if the person is not able to wear a mask for health or some other good reason. Members who consider themselves to be exempt should notify a member of Democratic Services. There will be a supply of suitable masks available from Democratic Services for Members who need them

10. Lateral Flow Tests

10.1 All Member and Officers attending Council or committee meetings should undertake a lateral flow test no more than 24 hours before the meeting and notify Democratic Services that they have taken the test. Members may order their own test devices or collect them from Democratic Services.

11. COMMITTEE MEETINGS

11.1 There will be no restriction in the number of members attending at Committees and sub-committee meetings. Space will be made available for upto 6 members of the public to attend in the public gallery subject to prior booking.

11.2 Chairs of committees, in consultation with opposition spokespersons and Officers, are encouraged and authorized to adopt the following approach.

- **Reports coming to committee** should be essential business and, unless there is good reason, reports for information or noting should generally be avoided.
- **Public Engagement Sessions:** if none of the reports coming before the committee require an actual decision, Members should consider, instead, holding a virtual engagement session. Where this is agreed, it is important to note that the meeting will not have the status of a committee meeting and it should not be described as such. It will be an engagement session with members of the committee attending virtually.
- **Mixed Arrangements:** Members could agree to take the public engagement items that do not require a decision (public and member questions) and items for information only in an engagement session before the main meeting limiting the in-person attendance to matters that require decisions or are required by law to be considered by the Committee. This would mirror the arrangements for Council
- **Items for Decision:** Any matters requiring an actual decision by full Council or a Committee cannot be dealt with at the engagement session and has to be discussed at the in person meeting of Council or Committee.

12. Enhanced Officer Delegations

12.1 Chief Officers and Members of ELT shall have enhanced delegated powers to exercise all functions relating to the services for which they are responsible in addition to existing normal and urgency powers providing that such delegation to an officer is not prohibited by law. However, the exercise of such powers shall be conditional on prior consultation with relevant Chair and Opposition spokespersons in each committee.

12.2 To facilitate consultation with members of all groups, such consultation may take place during committee pre-meetings, or separately.

13. General

13. The parts of the protocol contained in paragraphs 5 (oral questions), 6 (Committee reports to Council, 7 (notices of motion) 8 (attendance at Council) shall be advisory. The proposals under paragraph 9 regarding committees shall be applied at the discretion of the Chair subject to consultation with opposition spokespersons. The rest of the protocol shall be legally binding and Council Procedure Rules shall be applied as modified by the protocol.

14. Interpretation

14.1 Without prejudice to the powers of the Mayor or relevant Chair to make a ruling at the meeting, the Chief Executive, after consulting the Monitoring Officer, shall be authorised to rule on the interpretation and application of the rules where there is ambiguity or disagreement.

14.2 The ruling of the Chief Executive shall be final.

