
Council meetings - contingency arrangements for pandemic restrictions

Background and context

- 1** In May 2020 the Government introduced Regulations under powers related to the current pandemic enabling local authorities to hold formal meetings virtually provided certain requirements were met to ensure openness and public access. The rules were aimed at suspending the legal requirements for local authority meetings to be arranged with the councillors meeting together in a 'place' to which the public have access. Physical meetings indoors were otherwise prohibited under separate regulations to ensure compliance with physical distancing and unnecessary gatherings during the pandemic. The Regulations permitting virtual meetings are in force up to 7 May 2021. There is no current plan for their renewal and so a contingency plan is required.
- 2** The Health Protection (coronavirus restrictions) Regulations introduced around the same time impose restrictions on businesses, including local authorities, in relation to attendance at places of work when that work can be carried out remotely. Social distancing measures are applied to work places when attendance is unavoidable. This also place limits on the number of persons who may be present together indoors. It is currently not known how those may be adjusted over the next few months.
- 3** The Government's 'roadmap' out of the current lockdown restrictions mean that such meetings of people indoors may not be possible until 21 June at the earliest. Indoor meetings, even after that date, may be subject to physical distancing measures and other restrictions. If still in force those may mean that meetings of larger committees and of the full County Council cannot take place in the Council chamber or any other space available to the Council.
- 4** If the regulations permitting virtual meetings are not extended or replaced with similar provisions then the requirements of the Local Government Act 1972 will apply, requiring council business for decisions or measures requiring a vote by elected members to take place in a physical space where the members are together and which press and public may attend. In the absence of workable arrangements for such meetings it will be necessary to have contingency plans for those meetings of the County Council which cannot otherwise be convened in compliance with the restrictions in force.

Proposal

- 5** It is proposed that the County Council approves the use of the following arrangements for full Council meetings and any committee meetings which must transact business and which cannot be arranged as a physical meeting in compliance with Local Government Act 1972. This will include meetings which take decisions or which require a vote by members. For meetings which do not require a vote for a decision or which can transact business in an advisory way it will remain possible to use virtual means.
- 6** The proposal is that a quorum of members be nominated to attend a physical meeting in the Council chamber and that space be made available for press and public attendance up to a reasonable limit, that the members to attend be nominated by political group leaders in accordance with the proportionality rules. Group leaders will be asked to nominate members from their group to make up

the quorum and additional nominees (say up to five across all groups) to allow for some substitutes and so as to ensure the quorum is met in the event of any member being unable to attend.

- 7** Those officers essential for the transaction of business, including the giving of advice at any meeting, would attend the physical meeting.
- 8** The quorum for Council and committee meetings is one quarter of the membership for the relevant committee. In the case of the County Council the quorum is 18 members. The allocation to each political group would be determined by the Director of Law and Assurance by reference to the statutory provisions and their established application by the County Council. The calculation would be carried out in consultation with the designated group leaders. Nominations to the first Council meeting would then be made on the basis of the allocation to groups in accordance with the proportionality calculation post-election.
- 9** It is further proposed that all other elected members and invited officers would be able to participate in the meeting, including the right to speak, via virtual link, using the MS Teams platform although not on any matter requiring a vote. Those members would not be entitled to vote on any business before the meeting. Only the members physically in the chamber would have the right to vote on any business.
- 10** It is proposed that this plan be used for the first substantive meeting of the County Council following the election. That meeting will be required to make appointments to key roles, including those of Chairman, Vice-Chairman and Leader of the Council. The meeting will also be required to make appointments to all committees of the Council, after approval of the proportionality calculation following the County Council election.
- 11** All members will be able to take a full part in any business on the agenda which does not require a vote or elected member approval. Attendance in this form would be counted as valid attendance at the meeting for elected members in accordance with S. 85 Local Government Act 1972.
- 12** It is also proposed that the same approach is taken to any meetings of the Council or of committees which cannot be arranged to take place physically in Council accommodation. The Director of Law and Assurance would consult the Chairman of the relevant meeting (or if not yet appointed the Chairman of the Council) and each group leader to seek agreement that the contingency arrangement is required for that meeting using the following criteria:
 - The meeting will include business requiring a decision or member vote.
 - The number of members and others required to attend exceeds the capacity of the largest space available for the meeting so as to remain compliant with public health restrictions.
 - The meeting can be arranged to enable all eligible members to attend virtually to be involved in business to the extent it is lawful to do so.
 - It is important that the business requiring a decision is carried out at the proposed meeting and not delayed.

Other member meetings

- 13** It is likely that most committees and sub-committees can be accommodated in the Council chamber whilst observing physical distancing measures. Where that is not possible some committee meetings will be capable of being held using the established arrangements with the MS Teams platform and without the need for physical attendance or use of the contingency. These could include scrutiny committee meetings where no formal decisions are proposed to be taken. Recommendations can be settled through consensus. They may therefore carry on business as usual with a full complement of members.
- 14** Meetings of Regulation, Audit and Accounts, Planning and Rights of Way, Standards and of the Governance Committee and Pensions Committee would only be capable of taking place using formal arrangements as they take decisions. These should be capable of being accommodated in the Council chamber. If these and any task and finish groups and sub-committees can be organised through the safe and compliant use of the Council chamber then this will be the arrangement made.
- 15** If, for any reason, such a committee or other member meeting cannot be accommodated safely or compliantly, then the above contingency plan will be used provided all group leaders approve and by reference to the criteria proposed. In all cases, where the chairman of the meeting is not in attendance a member will need to be appointed to chair the meeting from those physically present.
- 16** Meetings of the Cabinet are likely to be capable of being accommodated in the Council chamber with all present who would usually attend. If this is not possible it is proposed that the Cabinet would meet using the virtual medium of the MS Teams platform under the interim arrangements. The Cabinet would be asked to make a recommendation to the relevant Cabinet Member whose decision would then be taken and published in accordance with Standing Orders and subject to the call-in period as usual. The decision to use this arrangement would be for the Leader of the Council.
- 17** Where the above contingency arrangement cannot be used and a compliant physical meeting is not possible decisions will be taken by senior officers in accordance with the scheme of delegation and the urgent action procedures. Members will be consulted in accordance with current arrangements.
- 18** Emergency Standing Orders and other required changes to the Constitution to put these proposals into effect are **set out at Appendix 1**.

Other options available and not recommended

- 19** It is expected that this contingency would only be required for meetings of the full Council and for those committee meetings whose membership is so large or where the expected public interest is such that a physical meeting of all members cannot be accommodated in the chamber.
- 20** The only alternative would be for meetings to be postponed until they become manageable under revised COVID restrictions or for all business to be carried out by officers using delegated powers or urgent action procedures. Those would be in full consultation with members, both executive and scrutiny, but no voting or

decision making by members other than individual Cabinet Members would be possible.

Recommended

- (1) That the Council approves the adoption of emergency Standing Orders (Appendix 1) for use for any meeting of the Council or of a committee at which business is required to be transacted requiring member vote or approval and which cannot otherwise be lawfully convened;
- (2) That these arrangements only be applied for as long as all leaders of the political groups of the Council approve of their use;
- (3) That the supplementary Council Standing Orders approved by the Council to enable the use of virtual meetings be confirmed to continue and to be used where required;
- (4) That attendance via virtual link by a member at meetings convened under these arrangements be recorded and that this be treated as a special dispensation for non-attendance at the meeting under section 85 of the Local Government Act 1972; and
- (5) That the Director of Law and Assurance keep all members advised of any changes in the regulatory framework leading to the need for this contingency.

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Appendices

- Appendix 1 - Draft Standing Orders (contingency meetings for pandemic restrictions)

Background papers

None