



**REPORT OF THE SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND
EMPLOYEES
LOCAL AUTHORITY REMOTE MEETINGS: CALL FOR EVIDENCE**

Purpose of the Report

1. To consider the County Council's draft response to the Government's call for evidence regarding remote meetings of local authorities (**Appendix A**).

Information

2. In 2017 the Government consulted on proposals to allow joint committees and combined authorities to hold meetings by video conference. The Government concluded that, with appropriate safeguards to maintain transparency, there are clear benefits to giving local authorities operating joint committees and combined authorities the ability to hold formal meetings by video conference. Having reviewed the consultation feedback the Government published its response in July 2019 and committed to speak to the sector with a view to extending the use of video conferencing in formal meetings to other local authorities, before making a final decision on what to include in the legislation. There was no further consultation between July 2019 and March 2020 when the first COVID-19 lockdown was imposed.
3. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) made provision for local authorities to hold meetings virtually or in a hybrid format. The Regulations were brought into force from 4 April 2020 until 6 May 2021.
4. As it became clear that restrictions that were a result of the pandemic were likely to be in place beyond 6 May 2021, and in light of the positive impacts that had been experienced as a result of the remote meeting provisions, the Government was asked to consider extending the Regulations. This Government response stated that this would not be possible as the Regulations had a sunset date and therefore primary legislation would be required for which there was no space in the legislative timetable.
5. A Judicial Review brought by the Association of Democratic Services Officers, Lawyers in Local Government and Hertfordshire County Council was heard in April 2021. The principal issue of the Judicial Review was to determine whether all or some members of the local authority should be physically present in the same place and whether the provision for public and press access to local authority meetings could be remote. The court was asked to focus on the interpretation of 'meeting', 'place', 'presence' and 'attend' as set out in the Local Government Act 1972.
6. The judgement concluded that the wording in the Local Government Act 1972 means that local authority meetings must take place at a single, specified geographical location and

attending a meeting meant being physically present at that location. An opinion was also issued which defined how the public had to be able to access and participate in local authority meetings. It also concluded that primary legislation would be required to allow local authority meetings to take place remotely.

7. On 25 March 2021 the Government published a call for evidence on local authority remote meetings. The call for evidence seeks views on the use of the arrangements in place during the coronavirus pandemic that enabled local authorities to hold meetings virtually or in a hybrid format. It also seeks to understand the experiences of local authorities across the UK, including Scotland and Wales, which already have provision for some form of remote or hybrid meeting. Scottish local authorities had provision to meet remotely prior to the pandemic. Legislation passed by the Welsh Government, which came into force on 1 May 2021, also made express provision for Welsh Local Authorities to meet remotely.
8. The draft response, which is attached as Appendix A to the report sets out the advantages and challenges of virtual meetings in the context of the County Council's experience. Where challenges were identified, the steps that the Council has taken to mitigate them have also been included.
9. The deadline for responses to the call for evidence is 17 June 2021.

Other Options Considered

10. The Council could choose not to submit a response to the call for evidence. Not submitting a response would mean that the County Council's views are not considered.
11. A further option would include the Governance and Ethics Committee considering the draft response however this has not been possible because the next meeting of the Governance and Ethics Committee falls after the deadline for submission.

Reason/s for Recommendation/s

12. The draft response has been written to ask the Government to give Councils as much discretion as possible to determine their own arrangements, recognising that a universal response may not reflect local priorities and sensitivities, which local authorities are best placed to understand.
13. The proposed response highlights the Council's learning during the temporary Regulations as part of an assessment of the advantages of, and challenges imposed by, holding meetings virtually.
14. Submitting a response gives Nottinghamshire County Council the opportunity to influence the national agenda to bring democratic participation and engagement up to date. It recognises the changes in technology since the drafting of the Local Government Act 1972 and the changing ways business has been transacted as a result of the COVID-19 pandemic.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

16. Any arrangements the Council puts in place for virtual meetings would need assessing to ensure that any personal data and exempt information would be protected.

Financial Implications

17. The response recognises that holding virtual meetings has generated savings in the travel expenses that have been paid to Councillors. The annual figures for Members' travel claims between 2018 and 2021 are:

- 2018/19 - £58,447.90
- 2019/20 - £55,158.55
- 2020/21 - £7,385.80

18. While some of the reduction is attributable to reductions in permitted travel, a significant proportion of the reduction derives from Councillors not claiming travel expenses to attend meetings in person at County Hall.

19. The response does recognise the additional resource that has been made available to support virtual meetings, particularly in the early days of their use.

Human Rights Implications

20. Once any provision is made in legislation, the County Council will ensure that the arrangements it introduces protect people's human rights in the context of local authority decision making.

Public Sector Equality Duty implications

21. The impact of virtual meeting arrangements on people with different protected characteristics has been set out in the draft response. Once any proposals have been produced by the Government, Nottinghamshire County Council will be able to assess the impact on its communities and identify any measures to mitigate potential negative impacts.

Smarter Working Implications

22. Supporting permanent provision for virtual meetings aligns with smarter working objectives. It offers efficiencies both financially and in respect of time; these benefits can be realised by both Councillors and members of the public who seek to engage with democratic processes. It also offers opportunities to reach and engage the wider communities in Nottinghamshire more efficiently than meetings that are held in person only.

Implications for Service Users

23. Arrangements for virtual meetings should provide a more convenient solution for service users to participate in Council meetings. Any solution introduced by Nottinghamshire County Council would need to be designed so that they did not exclude any groups of service users.

Implications for Sustainability and the Environment

24. Introducing provision for virtual and hybrid meetings would bring positive environmental impacts by reducing the need for Councillors and interested members of the public to travel to County Hall. This will assist in meeting national carbon reduction targets agreed by the Government.

RECOMMENDATION/S

1) That Policy Committee approves the response at Appendix A to the Government's call for evidence on remote meetings.

Marjorie Toward

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For any enquiries about this report please contact: Jo Toomey, Advanced Democratic Services Officer (0115 977 4506 / jo.toomey@nottscc.gov.uk).

Constitutional Comments (HD- 20/5/2021)

25. The decision set out within the report falls within the remit of Policy Committee.

Financial Comments (SES 25/05/2021)

26. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Local authority remote meetings: call for evidence - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Electoral Division(s) and Member(s) Affected

- All