

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 97

Subject: Arrangements for Council and Committee Meetings

Date of meeting: P&R- 27 January 2022
Council- 3 February 2022

Report of: Executive Director Governance, People and Resources

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report proposes arrangements for holding Council and Committee meetings during the pandemic to minimise the risk to the public, Members and Officers. It is intended to cover the period upto annual Council but may be reviewed before then.

2. Recommendations

- 2.1 That Committee agrees the proposals set out in this report regarding arrangements for Council and committee meetings (except paragraph 3.11 dealing with attendance numbers) and recommends them to Council for approval.
- 2.2 That the Committee agrees option A (14) or option B (40) regarding number of attendees at full Council meetings as set out in paragraph 3.11 and recommend them to full Council for approval.

3. Context and background information

- 3.1 The Covid-19 pandemic, especially the new Omicron variety, continues to pose significant risk to public health and safety. The Council has a duty under the Health & Safety at Work Act 1974 to make sure that the arrangements for the discharge of its functions ensure the health and safety of the public, including Members and Officers. It is therefore necessary to review and keep under review the arrangements for meetings of full Council and Committees and sub-committees.

3.2 Although there have been calls to reintroduce the ability to have Council meetings virtually, the enabling legislation has not been made and it does not seem that such legislation will be made in the near future. The proposals below therefore provide measures to mitigate the risk of infection and enable the Council's business to be transacted in a safe way.

3.2 Venue for meetings: it is proposed to hold full Council meetings at Hove Town Hall for the time being while continuing to explore improvements to Brighton Town Hall. The Brighton Centre will be available for the budget Council meeting on 24th February. We have been able to secure a competitive price with sufficient space for the main meeting and breakout rooms for each of the political groups and the Independents. We will use the centre's facilities and our equipment to hold the meeting and webcast the proceedings reduce costs. However, the centre will not be available for future meetings, especially during the spring and summer season, because of prior bookings. No other suitable alternative venue has been identified.

3.3 Public and Member Engagement Session: this was trialed at the last Council meeting and it is proposed to continue the practice for ordinary Council meetings. The session will take place virtually and no Members will be required to attend in person.

3.3.1 The items of business to be dealt with in the Public and Member engagement session are:

(1) Presentation of petitions (this will not include petitions for debate which will be dealt with in the Council meeting.)

(2) Deputations

(3) Public Questions

(4) Members' Oral questions

3.4 Members will see that these are items that are dealt by the Leader or Chairs of Committees and there is nothing active for other members to do during the engagement session other than to present oral questions. This therefore avoids the need for attendance in person.

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 Members or members of the public 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 Timings: the following arrangements will be adopted

- the Public and Member engagement session will start at 4:30 PM
- The main Council meeting (with attendance in person) will start at 6:30 PM or after a 30-minute break following the conclusion of the engagement session, whichever is later
- The public engagement sessions will be chaired by the Mayor.

3.7. Petitions for Public Debate

3.7.1 These will be dealt with in the normal way in the main Council meeting. The Mayor has the discretion to arrange debates on related petitions to be taken together or with a related report or Notice Motion. If this happens, the Mayor will have the discretion to modify the restriction on timing or number of speakers.

3.8 Oral Questions from Members

- 3.8.1 In line with the recommendations of the Constitutional Working Group and Group Whips, it is proposed that:
- 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 prepared by officers. There will be no officer briefings on oral questions.
 - As a general guide, questions should not take more than a minute to ask and answers should not take longer than 3 minutes.

3.9 Committee reports to Council

- 3.9.1 It is proposed 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 be debated in advance so as to reduce the number of items debated and minimize the length of the meeting.
- 3.9.2 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.

3.10. Notices of Motion

3.10.1 Notices of Motion are either declaratory or, where they require action, they need to be referred to the Committee which debates the motion and makes a decision. It is proposed that as many of the NOMs 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. The Committee to whom a NOM is referred will have full authority to make a decision on it to the extent that the matter is not by law reserved to full Council. The member who moved the motion will be invited to the relevant committee to present the motion.

3.10.2 When a Notice of Motion is passed to a Committee, it shall be deemed to have been moved and seconded and there shall be no requirement for a member of the Committee to move or second the motion.

3.11. Attendance- numbers

3.11.1 For the budget Council meeting on 24 February, we are anticipating a full attendance of all 54 Councillors. For other full Council meetings, Members are recommended to consider reduced attendance. Reduced attendance can only be implemented by voluntary agreement. If there is no agreement, each Member and each group will have to decide for themselves. Given the restriction on available seating and lack of suitable alternative venues, Members are recommended to adopt options A or B from the following options:

A. Minimum attendance to meet the requirement for a quorum

The quorum for full Council meetings is 14. If the 14 seats were allocated proportionately to the Groups and the Independents, the party split would be:

Greens:	5
Labour:	4
Conservative:	3
Independents:	2

B. Reduction to accommodate 40 Members in the main Chamber- This would mean about 40 Members attending in the main chamber with no members in the public gallery. If this were agreed, the party split would be:

Greens:	15
Labour:	11
Conservative:	10
Independents:	4

C. Reduction to 46 with 6 Members sitting in the public gallery-We have had an update from security that, if Members are to be seated in the public gallery alongside members of the public, they would have concern. There are also complications on the selection of members and suitability of the seating area. Relocating the seating for the press may release 2 seats on the ground floor, but it would still be not very convenient. If this option were adopted, the proportional party split would be:

Greens 17
Labour: 13,
Conservatives: 11
Independents 5.

D. Full Attendance

It would be possible to provide seating for all members with the minimum social distancing and screening provided. But this is an option that is not recommended.

3.12. Wearing of Masks and LFT

3.12.1 In line with recommendations of the officer working Group, it is proposed that all attending Council meetings should wear masks and that all Member and Officers attending should confirm with Dem Services that they have

taken LFT. Suitable masks will be made available for Members and emergency supply for members of the public.

3.13. COMMITTEE MEETINGS

3.13.1 There are a number of committee meetings taking place over the following months and it is proposed that Committee Chairs, following consultation with opposition spokespersons and Officers are encouraged and authorized to adopt the following proposals.

3.13.2 Reduce items coming the Committee: reports coming to committee should be essential business and, unless there is good reason, reports for information or noting should generally be avoided.

3.33.3 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.

3.33.4. A mixed arrangement: 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.

3.33.5. Limiting speakers: it is proposed that on matters debated at the main meeting, the number of speakers be generally limited to one per group.

3.33.6. Decision-making process for the above: It is proposed that the above arrangements, if applied, are agreed by the Chair following consultation with opposition spokespersons and advice from officers. Where the Chair so decides, it may involve moving the whole meeting to an engagement session or transferring some items of business to the engagement session to be dealt with virtually.

3.33.7 It should be noted that any matter that requires a decision or is required by law to be considered 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.

3.34. Enhanced Officer Delegations

3.34 Given the increased risk and the need to minimise the length of meetings, it is proposed to introduce an enhanced officer delegations scheme. The delegated powers will be in addition to existing normal and urgency powers and are exercisable after consulting the Chair and Opposition spokespersons in each committee. This requires P&R approval and a separate report on the matter is on the agenda. In summary, the proposals are as follows:

(1) Subject to first consulting with relevant Group Spokespersons, Executive Directors or Members of ELT with delegated powers shall have enhanced delegated authority to make decisions on all matters related to their

area of responsibility. This is in line with government advice and reflects the need to reduce the duration of meetings.

(2) To facilitate consultation with members of all groups, such consultation may take place during committee pre-meetings, or separately if necessary.

(3) To comply with legal requirements such delegation shall be unfettered and, although the Officer is required to consult with Group Spokespersons on the issue of whether delegated powers should be used and the merits of the proposed action, he/she shall not be obliged to follow the views of the consultees on the substantive decision.

3.35: Duration and status of protocol

3.35 1 The above proposals, once agreed, will form the binding protocol for Council and Committee meetings. The Council's Standing Orders shall be applied subject to the above modifications to the extent that is necessary. 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. The ruling of the Chief Executive shall be final.

3.35.2 The Council Procedure Rules shall be applied subject to the modification to reflect the above arrangements.

3.35.2 These arrangements shall remain in force until annual Council but may be modified at any time before then, especially if there is change in the levels of risks posed by the Covid-19 pandemic.

4. Analysis and consideration of alternative options

4.1 The Council has the option of continuing without the special arrangements proposed in this report. But given the level of risk that is not recommended. The option of hiring bigger venues was considered, but these were either not available, or not suitable or too expensive.

5. Analysis and consideration of alternative options

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6. Community engagement and consultation

6.1 Given the nature of the issue (which is mainly about the Council's internal processes) and the limited time, there was no consultation with the public.

7. Conclusion

7.1. For the reasons set out in the report, the proposed measures would be a proportionate way of reducing the risk of infection and protecting the health and safety of Members, staff and the public.

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.

Name of 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.

Name of 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 documents

None

