

Full Council

14 October 2021

Return to ‘In Person’ Full Council meetings

For Decision

Portfolio Holder: Cllr S Flower, Leader of the Council

Local Councillor(s): All

Executive Director: J Mair, Corporate Director, Legal & Democratic

Report Author: Jacqui Andrews

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Report Status: Public

Recommendation:

To decide whether to return to ‘in person’ Full Council meetings from December 2021, or from when the availability of the appropriate webcasting equipment having been installed and tested, or to continue with informal virtual Full Council meetings until a later date to be agreed by members.

Reason for Recommendation:

To enable members to consider how best to ensure that democratic decision making is able to continue effectively and safely.

1. Executive Summary

- 1.1 Since May 2020, Dorset Council has been operating virtual meetings. Initially these were held under 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 flexibility regulations came in to force on 4 April 2020 and were effective until 7 May 2021.
- 1.2 On 28 April 2021 the High Court dismissed a claim for a declaration that the law already permitted virtual meetings without the need for special

regulations. The High Court decision meant that formal decision making meetings of local authorities could not continue as remote meetings beyond 7 May 2021. Virtual meetings could only therefore take place on an informal basis at which members would not make binding decisions.

- 1.3 Following a decision of Full Council on 4 May 2021 meetings of Dorset Council and its committees that are not executive in nature continued to be held virtually, on an informal basis. In these informal virtual meetings an officer with delegated powers has made any decision, after consulting members about the decision that members would have been minded to make had they been in a formal meeting. The Cabinet met in a similar matter but with the relevant portfolio holder as the decision maker.
- 1.4 The decision taken by members on 4 May 2021 was time limited until the Government's social distancing requirements were lifted on 19 July 2021. However, at that time in view of:

- the increasing number of Covid cases in Dorset and
- the duty of care owed to members, staff and members of the public wishing to engage with meetings

the Chief Executive took a decision, in consultation with Group Leaders, to continue with virtual meetings throughout August and September, subject to review in September.

- 1.5 At the request of Group Leaders all members were surveyed for their views about a return to in person meetings. Having taken into account the views expressed by members in response to the survey Group Leaders concluded that subject to the:

- availability of a dispensation (included as a separate item on the agenda for this meeting) for those members who for health reasons felt unable yet to return to in person meetings
- installation of equipment to enable meetings to be webcast and
- facility for members to be able to be able to join meetings remotely (*note; joining a meeting remotely would not count towards the quorum and such a member would not be able to vote*)

the Council should return to in person committee meetings as soon as the necessary equipment had been installed and tested.

- 1.6 Group Leaders and the Chairman also concluded that the meeting of Full Council on 14 October should be held virtually so that all members could debate the timing of a return to in person Full Council meetings.

2. Financial Implications

- 2.1 The cost of webcasting equipment and other works to the Council Chamber are being met from existing budgets. Virtual meetings have avoided travel costs. A return to in person meetings would carry the usual budgeted costs associated with in person meetings including members' mileage costs.

3. Well-being and Health Implications

- 3.1 It is recognised that there are a range of potential well-being and health impacts associated with virtual and in person meetings. These will vary depending upon personal circumstances. For some members a return to in person meetings will bring about important social contact. For others, attendance at in person meetings might be a cause for anxiety because of underlying ill health or the ill health of others for whom a member has caring responsibilities.

4. Climate implications

- 4.1 Meeting virtually has enabled the Council to contribute to a reduction in carbon dioxide emissions as members, officers and members of the public have not been driving to attend committee meetings in person. A return to in person Full Council meetings will increase the emissions as a result of additional travel by members, officers and the public.

5. Other Implications

- 5.1 None.

6. Risk Assessment

- 6.1 Having considered the risks associated with this decision, the level of risk has been identified as:
Current Risk: Medium
Residual Risk: Medium

7. Equalities Impact Assessment

- 7.1 An Equalities Impact Assessment was completed in May 2020 in respect of holding virtual meetings. A copy of this is attached at Appendix A.

8. Appendices

Appendix A – Equality Impact Assessment
Appendix B – Survey of Dorset Council members

9. Background Papers

- 9.1 There are no background papers associated with this report.

10. Democratic Decision making

- 10.1 Group Leaders met on 23 September 2021 to discuss the return to in person meetings. Following a recent survey of all members on this subject, Group Leaders considered carefully all the responses received and recognise both the views of those wishing to return to in person meetings and the concerns of those who are keen to retain virtual meetings.
- 10.2 Group Leaders have agreed that all committee meetings will be held as in person meetings from late October, as soon as the equipment enabling hybrid attendance of officers and members of the public has been installed and tested, enabling maximum engagement with Council meetings. This equipment will also enable members of committees to attend remotely and contribute to the debate, although the requirements of legislation will prevent their attendance counting towards a quorum and they will not be able to cast a vote if they are not physically present at the meeting.
- 10.3 With the agreement of the Chairman, the Full Council on the 14 October 2021 will be held as a virtual meeting. At the Full Council meeting on 14 October 2021, all members will have the opportunity to consider whether or not they wish to hold the December Full Council meeting as an in person meeting; this will give all members the opportunity to have their say on this important issue.
- 10.4 The Council respects the concerns expressed by some members who would not wish to attend an in person meeting for health or other reasons. Members will therefore be asked to support a further dispensation for all councillors to ensure that members who cannot attend a meeting in person over the coming months do not lose their seat on Dorset Council. This matter is dealt with by a separate report to Full Council.

11. Future of democratic decision making

- 11.1 Members may recall that in June 2021, the Council responded to Government's "Call for Evidence" seeking local authorities' views on the possibility of future flexibility to hold meetings virtually where this is considered appropriate. Such flexibility would enable local authorities to make their own decisions on when this would be the right way to meet. Members' responses provided as part of a survey formed the basis of Dorset Council's response.

11.2 We are awaiting a response from Government following this “Call for Evidence” and will, of course, report back to members as soon as this is received.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Appendix A



Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

Name:	Jacqui Andrews
Job Title:	Service Manager, Democratic and Electoral Services
Email address:	jacqui.andrews@dorsetcouncil.gov.uk
Members of the assessment team:	Susan Dallison, Hayley Caves, Susan Ward-Rice
Date assessment started:	4 May 2020
Date of completion:	22 June 2020
Version Number:	3

Part 1: Background Information

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	
New or proposed	X
Other	

Is this (please tick or expand the box to explain)

Internal (employees only)	
External (residents, communities, partners)	X

Both of the above	
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What is the name of your policy, strategy, project or service being assessed?

“Virtual/Remote” Full Council, Cabinet and Committee meetings.

What is the policy, strategy, project or service designed to do? (include the aims, purpose and intended outcomes of the policy)

To ensure that all formal Full Council, Cabinet and Committee meetings held remotely are transparent and accessible to residents, organisations/stakeholders, and town and parish councils.

What is the background or context to the proposal?

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council employees in accordance with the Government and Public Health England's guidance on social distancing and in accordance with new regulations for holding committee meetings from remote locations. Prior to the coronavirus pandemic lock the council did not live stream its committee meetings, other than Full Council, and Democratic Services had been investigating the options for webcasting. The live streaming of meetings was therefore a new service in response to the lockdown rules and the publication of new regulations to enable the holding of virtual committee meetings.

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

The need to enable remote decision-making has come about due to the current Covid-19 pandemic to ensure that the council complies with the Government and Public Health England guidance on social distancing ensuring the safety, health and welfare of members of the public, elected members and officers wishing to take part in or observe the democratic decision making process. However, due to the pace at which this change to our decision-making processes has been required, it has not been possible to carry out a comprehensive consultation exercise. The current regulations enabling “remote” meetings are only in force until 7 May 2021. Should legislation be made enabling remote meetings beyond this date, and there is an option to return to meetings in person, consultation will be undertaken on this way of working.

The council has always ensured that its meetings are accessible to anyone wishing to take part, observe and, in some case, review meetings after the event with live-streaming, with accessible locations and any reasonable adjustments that we are able to make to enable people to attend, listen and/or take part in the democratic decision making of the council. It is important to bear in mind that Full Council, Cabinet and Committee meetings are “meetings in public” and not “public meetings”.

Unfortunately the Covid-19 pandemic has required the council to work quickly to restart its democratic decision making processes, using available technology to ensure that the council complies with Government and Public Health England advice on social distancing, preventing any physical attendance by members, employees and the public. In ensuring that the council meets these all-important social distancing requirements, it's clear that some of our residents/communities may not be able to “access” the meeting as it is taking place. However, all meetings will be live-streamed and recorded, enabling people with internet access to view proceedings either live or after the event. It is also acknowledged that prior to the lockdown some residents would have attended the committee meetings in person at County Hall or South Walks House and those members of the public may not have the technology at home or the ability to access the recorded meetings whilst the public libraries are closed.

The council has information about councillors provided in surveys that they have completed with regard to age and, more recently, members have been asked to identify if they consider themselves to be in a particular “at risk” category that may preclude them from physically attending a meeting if social distancing measures remain in place, albeit at a more relaxed level (as of May 2020, there are 27 councillors out of 82 classed as clinically vulnerable). The council is researching whether it would be possible to hold “hybrid” meetings with some people in physical attendance and some in remote attendance.

To ensure that public participation is maintained, the council has enabled members and residents to ask questions of the council by submitting their questions in writing in advance of the meeting. Whilst not ideal, this enables the council to be held accountable for its decisions/actions. Where there is a statutory requirement for someone to be able to ask questions in person, or answer questions posed by members, i.e. at Licensing Sub-Committees and School Admission and Transport appeals, the council is using a piece of software that will enable a member of the public to participate using software or calling in from a mobile or landline telephone.

What did this data, information, evidence and research tell you?

Current data on councillors who are clinically vulnerable has indicated that a large proportion of the councillors need to be shielded and longer term proposals for virtual meetings may need to be considered into the summer months and beyond.

Is further information needed to help inform this proposal?

No.

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

The need to introduce remote meetings at pace has meant that it hasn't been possible to undertake a consultation exercise with members of the public, although the council has engaged with members and officers who will be required to participate remotely to ensure that they have the necessary software and skills and knowledge to work in this way.

Democratic Services Officers investigated how other councils were holding virtual meetings and advice was also available from several organisations including the Local Government Association.

Webinars held by Cornerstone Barristers on remote meetings have also been viewed (<https://cornerstonebarristers.com/news/remote-meetings-faqs/>).

The council has considered all software available and has currently opted for MS Teams and MS Teams Live Events as these form part of our current software licensing arrangements and offer the best security to the council to prevent breaches of our information governance rules.

Whilst it is appreciated that this technological solution does not enable anyone without a computer/smart phone to watch the meetings, minutes summarising the debate and setting out any decisions will be drafted after the meeting and can be provided, upon request, to anyone without a facility to watch the live broadcast or view the minutes on the Dorset Council website.

How will the outcome of consultation be fed back to those who you consulted with?

N/A

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EqlA. If you decide that your proposal does **not** require an EqlA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqlA.

Please tick the appropriate option:

An EqlA is required (please continue to Part 4 of this document)	Yes
An EqlA is not required (please complete the box below)	

Name: Jacqui Andrews

Job Title: Service Manager, Democratic and Electoral Services

Date: 20 May 2020

Part 4: Analysing the impact

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the 'Please provide details' box.

Positive Impact	<ul style="list-style-type: none">• the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none">• Protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none">• No change/ no assessed significant impact of protected characteristic groups

Unclear	<ul style="list-style-type: none"> Not enough data/evidence has been collected to make an informed decision.
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Age:	<i>Positive for working age people</i> <i>Unclear for older people</i>
What age bracket does this affect?	Possibly younger people or working age people
Please provide details:	<p>There may be some positive impact for younger people or working age people who generally do not attend committee meetings during the day due to work or caring commitments but they will be able to observe the meetings live or via recordings.</p> <p>The impact for older people is unclear as they may not have access to the internet at home or have poor wifi connectivity.</p> <p>Positive for all age groups who would have previously had to travel to Dorchester in order to attend meetings particularly if they did not drive, have access to a car or had to rely on public transport.</p>

Disability: (including physical, mental, sensory and progressive conditions)	<i>Unclear</i>
Does this affect a specific disability group?	Yes
Please provide details:	<p>For some people with a disability, virtual meetings will have a positive impact as there will be no need to travel and they will be able to observe meetings easily from their home.</p> <p>Current legislation suggests that we only have to provide audio for the meeting to be legally constituted. However,</p>

	<p>we are using technology which also allows visual elements too such as PowerPoint presentations and video of the speaker. Each speaker identifies themselves before speaking or presenting, which is helpful for people with visual impairments.</p> <p>The live meetings will have captions appear on the screen which will be of benefit for those that have hearing difficulties which are not available for meetings in person.</p> <p>The recordings of meetings are being added to the committee webpage and include automatic subtitles via the YouTube service which will be of benefit for those that have hearing difficulties.</p> <p>However, the Council is using the Microsoft Teams platform for its virtual meetings and the accessibility of this platform is unclear, for example there may be people with specific disabilities such as epilepsy who could find accessing Teams challenging.</p>
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Gender Reassignment & Gender Identity:	<i>Neutral</i>
Please provide details:	There is no assessed significant impact on this protected characteristic group.

Pregnancy and maternity:	<i>Positive</i>
Please provide details:	Someone who is pregnant or on maternity leave can chose to watch the recording of the remote meeting at a time to suit them. Virtual meetings will have a positive impact as there will be no need to travel and they will be able to observe meetings easily from their home, whether this be live or the recording of the meeting.

Race and Ethnicity:	<i>Unclear</i>
Please provide details:	This will be in English language and we don't currently have a facility to translate. Prior to the Coronavirus pandemic there were no facilities to provide translations for committee meetings.

Religion or belief:	<i>Neutral</i>
Please provide details:	There is no assessed significant impact on this protected characteristic group. One potentially positive impact is that anyone with a fixed prayer time could watch the recording of a meeting rather than the live stream.

Sexual orientation:	<i>Neutral</i>
Please provide details:	There is no assessed significant impact on this protected characteristic group.

Sex (consider both men and women):	<i>Neutral</i>
Please provide details:	There is no assessed significant impact on this protected characteristic group.

Marriage or civil partnership:	<i>Neutral</i>
Please provide details:	There is no assessed significant impact on this protected characteristic group.

Carers:	<i>Positive</i>
Please provide details:	Someone who has caring responsibilities can chose to watch the recording of the remote meeting at a time to suit them. Virtual meetings will have a positive impact as there will be no need to travel and they will be able to

	observe meetings easily from their home, whether this be live or the recording of the meeting.
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Rural isolation:	Unclear
Please provide details:	The move to virtual meetings may help people who live in the rural parts of the county as they will not have to travel to attend meetings and will be able to participate and observe from home. However, the new format of meetings is dependent on good Wi-Fi connection which can be an issue for some people in rural settings.

Single parent families:	<i>Positive</i>
Please provide details:	Someone who has parental responsibilities can chose to watch the recording of the remote meeting at a time to suit them. Virtual meetings will have a positive impact as there will be no need to travel and they will be able to observe meetings easily from their home, whether this be live or the recording of the meeting.

Social & economic deprivation:	<i>Negative</i>
Please provide details:	Those who are in economic deprivation may not be able to afford technology or devices to participate in committee meetings and other organisations that would normally assist and provide computer access such as libraries are closed. As the libraries begin to open as the lockdown restrictions ease people will be able to access the internet.

Armed Forces communities	<i>Positive</i>
Please provide details:	If a member of the armed forces has been deployed overseas or elsewhere in the country they will be able to watch committee meetings via the internet.