



Doncaster Council

Report

7th July 2020

To the Chair and Members of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

COUNCIL DECISION MAKING ARRANGEMENTS IN THE LIGHT OF THE COVID-19 PANDEMIC

EXECUTIVE SUMMARY

1. This report provides an update to Members on the arrangements put in place and measures taken to date in the light of the COVID-19 pandemic to ensure that the Council's decision making processes have continued to operate effectively.

EXEMPT REPORT

2. N/A

RECOMMENDATION

3. The Committee is asked to note the report and make any additional comments in relation to the contents.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Ensuring that the Councils' democratic structures and decision making processes can continue to operate effectively under alternative arrangements as a result of the COVID-19 pandemic is key to maintaining public engagement and confidence in the democratic process.

BACKGROUND

5. The terms of reference of this Committee include the role of monitoring, reviewing and making recommendations on the operation of the council's decision-making structures. Set out below is a summary of the measures taken to date to ensure that the Council's decision making arrangements have been maintained despite the lockdown restrictions introduced across the country due to the COVID-19 pandemic.

Legislative changes introduced as a result of COVID-19

6. On 4th April 2020, new Regulations came into force as a result of the Coronavirus Act 2020, handing local authorities new powers to hold public meetings virtually by using video or telephone conferencing technology or by other remote means during the coronavirus pandemic. This was in recognition of the fact that it would be very difficult for local authorities to hold public meetings in person during this time, due to limits on public gatherings and the social distancing and self-isolation measures currently in place. These Regulations are time-limited and apply to local authority meetings held before 7th May 2021.
7. More specifically, the regulations removed existing requirements for local authorities to hold annual meetings this year, and allowed for all current appointments (i.e. Chairs and seats on committees and representation on outside bodies) to remain in place until May 2021. These measures were aimed at helping local authorities redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of Members, officers and the public in line with official public health guidance.
8. It should be noted that the Regulations also stated that the term 'being present' at a meeting (with reference to the Local Government Act 1972), now includes access by remote means. Therefore, remote attendance by a Member at a virtual committee meeting is deemed to satisfy the requirement in relation to Members having to attend at least one meeting in a period of 6 consecutive 6 months under the Local Government Act 1972. It is recognised, however, that under the circumstances, it will not be possible for all Members to attend virtual meetings in the absence of Full Council meetings taking place, so the Monitoring Officer has written to all Members confirming that he will exercise the delegation given to him by Full Council to disregard the lockdown period when calculating *failure to attend* by any Member. The Monitoring Officer will notify Councillors at the point that this period concludes.

Council-side decision making (i.e. Full Council and Council Committees/Sub-Committees)

9. Upon receipt of the new Regulations, following consultation with the Chair of Council, Councillor Linda Curran, it was agreed to postpone the Annual Meeting of Council which had been due to take place on 15th May until such time that it was deemed safe to convene it at the Civic Office. This was in acknowledgement of the fact that due to the large number of Members involved in a Full Council meeting, it would prove very challenging and impractical to attempt to convene the Council AGM by remote means.
10. However, a number of virtual meetings have now been successfully held using Microsoft Teams since the Regulations were introduced, including meetings of the Licensing Sub-Committee, Planning Committee and Audit Committee. The Overview and Scrutiny Management Committee (OSMC) has also been holding Scrutiny briefing meetings with Directors to address specific issues relating to the pandemic during this time and ensure Members are better informed. The first formal virtual meeting of OSMC is

due to take place on 25th June 2020. It is envisaged that meetings of the Overview and Scrutiny Panels will also recommence over the course of the next couple of months initially using virtual means.

11. This move to virtual meetings using Microsoft Teams has not required a change to Council Procedure Rules. However, protocols and good practices are being developed as more meetings are held e.g. checking all Members can be seen and heard at the start of a meeting, ensuring microphones are muted when not speaking and using the “hand icon” to indicate a wish to speak. It has been noted that Teams “experience” can differ depending upon the device being utilised and functionality can vary for those members who choose not to utilise a council provided laptop.
12. The Council is not currently streaming its meetings live but allows the public to access meetings by contacting Governance Services officers in advance who can provide the necessary joining instructions. Meetings are also recorded and published on the Council’s website. When Council first considered the recording and subsequent publishing of meetings on its website in 2015 it agreed that any decision to live cast would need further approval by Council. In particular, some of the issues raised at that time are still relevant today and would need to be considered further e.g. the risks both reputational and financial for the Council as “publisher” of any remarks which may be defamatory, confidential or sensitive.

Executive decision making (i.e. Cabinet Meetings and Individual decisions by Portfolio Holders)

13. To a large degree, the ability of the Executive to make decisions has not been adversely affected by the COVID-19 situation. While Cabinet meetings were cancelled from late March onwards with the onset of the pandemic, decision making has continued where required, under the existing mechanisms for individual decision making by the Mayor and Cabinet Members. Some Councils struggled to make member decisions but that was not the “Doncaster experience”. Cabinet meetings have now resumed, with the first virtual Cabinet meeting taking place on 16th June 2020. Members of the public and press may observe the meeting live.
14. As Members will be aware, the COVID-19 emergency has resulted in the need for a number of key decisions to be taken by the Mayor in consultation with the Chair of the Overview and Scrutiny Management Committee under the ‘Rule 16’ special urgency provisions set out in the Access to Information Procedure Rules within the Constitution. These decisions have been circulated to all Members for information in the usual way, and will be reported in due course to a future Full Council meeting, as required by the Constitution. These decisions were in direct response to the Covid-19 emergency. It is expected that usual adherence to Forward Plan rules and “call-in” protocols will be the norm moving forward.

Outside Bodies Representation and Committee Memberships

15. As provided for in the Coronavirus Regulations, due to the requirement to hold a Council AGM being removed this year, all current outside body appointments and Committee Memberships have automatically been rolled over from last year and will continue to be in place until May 2021, or such time as the Council holds its AGM, if sooner. Any Special Responsibility

Allowances will also continue to be paid to Members during this time. However, outside of the AGM, the Council Constitution already allows for in-year changes to be made by political groups in relation to committee Memberships by way of the Group Leader giving written notice to the Monitoring Officer, if they so wish. In relation to Executive appointments to outside bodies, the Mayor can also make in-year changes to these appointments at any time.

Future Arrangements

16. It is envisaged that as lockdown restrictions are gradually lifted over the course of the coming months, there may be the potential for holding hybrid meetings, with some Members being physically present in a meeting room at the Civic Office, while others attend remotely via Microsoft Teams. The legality of holding hybrid meetings at the present time has been the subject of national discussions and Counsel's opinion has been sought by the Local Government Association, resulting in the view being taken that under the current legislation, holding a hybrid meeting would be unlawful as it would conflict with current health protection regulations and restrictions on public gatherings. However, this position may well be re-assessed over the coming months dependent upon any further relaxation of lockdown restrictions, but is likely to bring a new set of challenges when managing a meeting with some Members physically in the room whilst others are attending remotely.
17. Officers will continue to consult with Group Leaders and Members over the coming weeks as the pandemic situation evolves as regards the approach to take in relation to holding Council Meetings (including the AGM) and other Committees and Sub-Committees as the need arises. Support and assistance will also continue to be offered to Members to ensure they have the necessary equipment and information to enable them to participate fully in remote meetings.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

18. Not applicable - this report is primarily for information only.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

19.

Outcomes	Implications
<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	
<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity,</p>	

<p>where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	
<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>It is important that the Council's democratic structures and decision making processes continue to operate effectively throughout the COVID-19 pandemic in order to maintain public engagement and confidence in the Council's governance arrangements.</p>

RISKS AND ASSUMPTIONS

20. The holding of remote decision making meetings presents some challenges in terms of ensuring all participants/attendees, including officers, Councillors and members of the public can access the meetings over the internet or by dialing in from a phone. The necessary equipment, together with guidance and support, has been offered to Councillors by the ICT and Governance teams to ensure they have the means to participate remotely in meetings. The Governance team has also provided assistance to the public and the press wishing to observe/participate in remote meetings.
21. Whilst there are benefits in terms of enabling Councillors to attend meetings remotely additional Democratic Services and ICT officer support is required to ensure technical issues such as loss of connectivity are addressed and the business of the meeting is accurately recorded.

LEGAL IMPLICATIONS [Officer Initials: NC Date: 19/6/20]

22. Under powers provided by section 78 of the Coronavirus Act 2020, the Secretary of State introduced 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 2020 Regulations"). The 2020 Regulations make temporary changes to existing legal requirements around local authority meetings and apply to meetings held before the 7th May 2021.
23. In summary, the 2020 Regulations:
 - make provisions for remote access to meetings of local authorities by elected members, the press and the public;
 - enable local authorities to hold and alter the frequency and occurrence of meetings without requirement for further notice;
 - make provision for elected members to attend meetings remotely;
 - disapply the requirement to hold annual meetings; and
 - modify legislation relating to public and press access to information relating to decisions made by local authorities to enable such access to be available through remote means.
24. As referred to in the main body of the report, the legal position set out above may be subject to changes as further restrictions are lifted, such as the possibility of holding hybrid meetings.

FINANCIAL IMPLICATIONS

25. Financial implications have not been sought for this update paper.

HUMAN RESOURCES IMPLICATIONS

26. Human Resources implications have not been requested.

TECHNOLOGY IMPLICATIONS [Officer Initials: PW Date: 25/06/20]

27. As outlined above, virtual meetings are successfully being held using MS Teams. As noted, the Teams functionality can vary depending on the device being utilised as newly updated features may not be rolled out by

Microsoft to all platforms at the same time. ICT will continue to provide and support the provision of council laptops to members and support them in the use of MS Teams, as needed. Although the Council is not currently live streaming meetings, the technology is in place to deliver this if needed in the future. ICT are also trialling new equipment to support hybrid meetings moving forward, if and when these become lawful.

HEALTH IMPLICATIONS

28. Health implications have not been requested.

EQUALITY IMPLICATIONS [Officer Initials: AS Date 17/06/20]

29. Remote meetings may provide improved access to meetings for members of the public who may not be able to travel to the Council's office.

CONSULTATION

30. Consultation with Group Leaders and relevant Chairs of Committees has taken place in respect of making arrangements for convening virtual meetings as permitted under the new Regulations.

BACKGROUND PAPERS

31. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

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