



Council

Report title: Council Calendar 2020-21

Date: 15 July 2020

Key decision: No.

Class: Part 1.

Ward(s) affected: All

Contributors: Director of Strategy & Communications, Director of Law

Outline and recommendations

On 17 March 2020, following the guidance on social distancing all scheduled council committee meetings were cancelled including the Council's Annual General Meeting (AGM) originally scheduled for 1 April 2020.

The UK Government has now passed legislation giving councils new powers to hold public committee meetings virtually by using video or telephone conferencing technology with Members joining remotely.

On 30 April Urgency Committee agreed to set the Council AGM for 15 July and a schedule of virtual meetings for the period 30 April – 15 July 2020.

This paper sets out a calendar for from 15 July 2020 to the next AGM on 31 March 2021. These meetings may be held virtually, in the person or potentially (if the necessary technologic solutions become available) in hybrid form.

The Council is recommended to:

1. Agree that ordinary meetings of the Council be held on 28 October 2020, 25 November 2020, 20 January 2021, 24 February 2021 and 3 March 2021 (fall back) and that the Annual General Meeting be held on 31 March 2021; and
2. Approve the attached schedule of meetings (Appendix A) for the municipal year 2020/21
3. Note the proposed approach to Select Committees set out in section 6
4. Note that the schedule of meetings will be reviewed by Council in November

Timeline of engagement and decision-making

On 30 April 2020 Urgency Committee approved a schedule of meetings from 30 April 2020 to 15 July 2020.

<http://councilmeetings.lewisham.gov.uk/documents/s73209/Calendar%20Report.pdf>

The Calendar will be reviewed by Council on 25 November 2020.

1. Summary

- 1.1. On 17 March 2020, following the guidance on social distancing to reduce the spread of COVID-19, all scheduled council committee meetings were cancelled including the Council's AGM originally scheduled for 1 April 2020.
- 1.2. The UK Government has now passed legislation giving councils new powers to hold public committee meetings virtually by using video or telephone conferencing technology with Members joining remotely.
- 1.3. On 30 April 2020 Urgency Committee received a report setting out proposals to hold such meetings in Lewisham and approved a schedule of meetings for the period from May to July.
- 1.4. These are extraordinary times, the Council's resources continue to be focused on critical life and limb services seeking to protect and support the most vulnerable people in Lewisham. The council is now in phase 1 of our recovery approach (easing lock down) and approaching the early stages of phase 2 (transition/adapt). We are now able to recommend some growth in the committee schedule, whilst reflecting that officers across the council, including the Scrutiny and Governance teams, remain redeployed to Critical Services.
- 1.5. The proposals set out a plan for a calendar of council meetings over the period July 2020 – March 2021.
- 1.6. The calendar will be subject to review in November.

2. Recommendations

- 2.1. The Council is recommended to:
 - i. Agree that ordinary meetings of the Council be held on 28 October 2020, 25 November 2020, 20 January 2021, 24 February 2021 and 3 March 2021 (fall back) and that the Annual General Meeting be held on 31 March 2021; and
 - ii. Approve the attached schedule of meetings (Appendix A) for the municipal year 2020/21
 - iii. Note the proposed approach to Select Committees set out in section 6
 - iv. Note that the schedule of meetings will be reviewed by Council in November

3. Policy Context

- 3.1. The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over the four year period.
- 3.2. The proposals within this report support the Council's values as set out in the Strategy, specifically to that "we are open, honest and fair in all that we do" as well as the ethos of the "Open Lewisham" priority theme.
- 3.3. The proposals also support the Council's Local Democracy Review commitment to maintaining and enhancing openness and transparency, public involvement in

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decision-making and effective, well scrutinised democratic decision-making.

4. Background

- 4.1. On 17 March 2020, following the guidance on social distancing all scheduled Council committee meetings were cancelled including the Council's AGM originally scheduled for 1 April 2020.
- 4.2. The UK Government passed legislation that gives local authorities greater flexibility in the conduct of meetings, including allowing members to attend remotely, and for public and press access to those meetings.
- 4.3. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April.
- 4.4. The regulations apply to meetings taking place before 7 May 2021. The government is able to legislate to bring forward this date if medical and scientific advice leads to the relaxation of social distancing rules.

5. Approach

- 5.1. On 30 April 2020 Urgency Committee agreed a calendar of meeting for May – 15 July 2020. This put in place a minimum level of meetings to provide democratic decision making and scrutiny via
 - Mayor & Cabinet
 - Overview & Scrutiny Business Panel
 - Planning Committees
 - Licensing Committee
 - Council AGM
- 5.2. Council is now asked to agree a calendar of meetings for the remainder of the municipal year.

Taking a transitional approach

- 5.3. As we are still in phase 1 of the council's recovery approach (easing lock down) and approaching the early stages of phase 2 (transition/adapt) we are recommending limited growth in the committee schedule as officers across the council, including the Scrutiny and Governance teams, remain redeployed to Critical Services.
- 5.4. The schedule has, as far as possible, no more than one meeting per evening and certainly not more than one supported by the same team.
- 5.5. At this stage we are proposing to add back at normal frequency additional decision making bodies and Select Committees
 - Council
 - Health & Wellbeing Board
 - Pensions Investment Committee and Pensions Board
 - Overview & Scrutiny Committee
 - Select Committees (more detail below)
- 5.6. We have also identified the need for a single meeting of each of Audit Panel and Standards Committee to consider specific items.

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- Audit Panel meeting
 - annual accounts ahead of approval by Nov Council
- Standards Committee meeting
 - Annual complaints report
 - Annual review of whistleblowing referrals
 - Review of compliance with Member Code of Conduct
 - Review of Local Code of Corporate Governance

5.7. If it is necessary to hold a one off meeting of any other committee, panel or other body, one may be called.

Other panels and groups

5.8. Corporate Parenting Group and Fostering Panel undertake very important work relating to looked after children and have been included in the calendar.

Next steps

5.9. The approach leaves a number of committees and other bodies which may be added in to the calendar later in the year.

5.10. We recommend revisiting the calendar at November Council to look at the schedule from January 2021 onwards.

6. Select Committees

6.1. While there has not as yet been an opportunity to make formal constitutional changes, the agreed Local Democracy Review Working Group, it is proposed that the recommended changes to Select Committees should as far as possible be adopted.

6.2. These include reducing the frequency of meetings and size of committees and adopting new practices to reduce business, improve impact and enable capacity for Task & Finish Groups.

- Meetings reduced to 5 times per year. One cycle has been missed and only 4 meetings will be scheduled between Sept 2020 and April 2021
- Membership of committees reduced from 10 to 6 (8 for CYP)
- New practices to improve impact and enable capacity for Task & Finish Group
 - No information reports at meetings
 - Meetings to conclude within two hours
 - A maximum of 2 (3 at most) substantive items per meeting
 - The content of work programme and individual reports to be specified by Committees
 - Keeping abreast of all matters/performance monitoring via an information digest

6.3. It is envisioned that task and finish groups will be the main vehicle for policy development as the select committees will no longer conduct in-depth reviews. The aim is for task and finish groups to be a flexible resource to consider topical issues of concern.

6.4. Constitutional changes have been drawn up to codify the changes above. However, Select Committees are able to operate on the new basis ahead of these changes. The planned constitutional changes, which will also enable the establishment of task and

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finish groups by Overview & Scrutiny Committee, will be brought to Council later this year, either at a scheduled Council meeting or if necessary an EGM, and the calendar adapted accordingly.

7. Financial implications

- 7.1. There are no specific financial implications from the approval of the council calendar.

8. Legal implications

- 8.1. Many of the pertinent legal implications are set out in the body of the report.
- 8.2. The report notes that there are no formal constitutional changes proposed at this point, so the provisions of the Constitution as currently drafted still stand.
- 8.3. There are a number of changes to practice proposed in this report which can be accommodated within existing constitutional provisions. For example, should the Party group not propose nominations to fill all positions on overview and scrutiny bodies (by appointing 6 when the constitution provides for a range of 7 to 11) one position will simply remain vacant and the decisions of that body will not be invalidated by the vacancy, provided that decisions are made by a quorate meeting.
- 8.4. The Constitution currently provides (Part IV C10) for a procedure to adjourn matters not dealt with after a meeting has lasted for two and a half hours, though there is provision allowing this standing order to be set aside and the meeting to continue beyond the two and a half hours. However there is no constitutional requirement for a meeting to last any length of time and the overall conduct of the meeting is a matter for the Chair of that meeting. It would not be inconsistent with the current Constitution for meetings generally not to last more than 2 hours.
- 8.5. There is already provision in the Constitution at Article 6.11 for the establishment of “time limited select committees to examine particular issues in depth”. Task and Finish Groups as proposed by the Democracy Working Group would fit this definition, so their establishment is already provided for constitutionally. The proposals from the Democracy Working Group which are yet to be agreed by full Council by way of constitutional amendment simply clarify this position and deal with who should appoint to them.
- 8.6. The extent of the split of work between any Task and Finish Group and an Overview and Scrutiny Select Committee, will be a matter for political discipline as the constitutional provisions which relate to the terms of reference of the Overview and Scrutiny Select Committees as set out in Article 6 remain applicable unless and until amended.
- 8.7. The provisions of the Regulations which relate to virtual meetings and are referred to in the body of the report apply only to the necessary procedural and practical arrangements to hold such meetings and in all other respects the existing general principles of administrative law apply to Council decision making. The regulations apply only until May 2021, unless there is legal provision to the contrary in the meantime. The Council will therefore need to ensure that it reviews practice in advance of that.
- 8.8. Councillors are reminded to ensure that should they not attend a relevant Council meeting for a period of 6 months, then a vacancy will arise by operation of law unless before expiry of that 6 month period the Council approves their absence. With fewer meetings, councillors are reminded of the need for vigilance in this respect.
- 8.9. The Equality Act 2010 introduced a public sector equality duty. It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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- 8.10. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.11. It is not an absolute duty to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 8.12. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for members bearing in mind the issues of relevance and proportionality. Members must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

9. Equalities implications

- 9.1. There are no specific equalities implications arising from the approval of the council calendar. However, we have considered the equalities implications of virtual meetings.
- 9.2. The Good Things Foundation Digital Nation Report 2019 found that older people and disabled people were more likely to be part of the UK's "Offline Nation". 53% of over 75s and 22% of disabled people said they had "none of the foundation digital skills" compared to 0.5% of 16-24 year olds. <https://www.goodthingsfoundation.org/research-publications/digital-nation-2019>
- 9.3. In the present circumstances there is no more accessible alternative to online public decision making, so we are taking a number of mitigating steps to limit the equalities implications. For instance offering targeted support and guidance to assist meeting participants in making use of Microsoft Teams. We have also ensured that it will be possible to participate in the Microsoft Teams conference by telephone rather than online.
- 9.4. There also appear to be some positive equalities implications, with remote meetings reportedly reducing barriers to democratic participation for instance for some people with disabilities or caring responsibilities (who are disproportionately women). Campaigns have started calling on councils to maintain a level of virtual access to decision making.
- 9.5. Looking forward, as technology solutions become available and if the regulations continue to permit remote participation, we will explore the opportunity to hold hybrid meetings which could allow for both physical and remote participation.

10. Climate change and environmental implications

- 10.1. There are no specific implications.

11. Crime and disorder implications

- 11.1. There are no specific implications.

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12. Health and wellbeing implications

12.1. There are no specific implications.

13. Background papers

13.1. Urgency Committee report 30 April 2020
<http://councilmeetings.lewisham.gov.uk/documents/s73209/Calendar%20Report.pdf>

14. Glossary

Term	Definition
Annual General Meeting	The Council is required to hold an Annual Meeting where the Speaker is elected, the scheme of delegation is adopted, a programme of future meetings is agreed and councillors are appointed as Cabinet Members, committee members and/or to outside bodies.
Corporate Strategy	Lewisham's Corporate Strategy sets out the Council's overall vision and priorities for the four years 2018-22.
Full Council	Full Council is a meeting of all 54 Lewisham councillors. It is chaired by the Speaker, who also maintains a ceremonial role. It is run according to formal rules of debate known as 'standing orders' as set out in the Council's Constitution. Full Council's decision making responsibilities include agreeing strategies and plans, setting budgets and adopting and/or changing the Constitution. It is also a forum for debate on policy issues.
Local Democracy Review	The Local Democracy Review is a councillor-led review of local democracy in Lewisham, which has made recommendations about how the Mayor and Council could enhance their openness and transparency, increase public involvement in Council decisions and promote effective decision-making.
Mayor & Cabinet	Mayor & Cabinet (otherwise known as the 'Executive') consists of the Mayor and between two and nine Cabinet Members, who are appointed by the Mayor.
Members	Members (or councillors) are elected by the community to decide how the Council should carry out its various activities. They represent the wider public interest as well as all individuals living within the area that they have been elected to serve.
Overview & Scrutiny	Overview and scrutiny is the way in which Mayor and Cabinet (the 'Executive'), officers and external organisations are held to account for the decisions that they make. It is led by councillors who are not members of the Executive. They also influence policy development and investigate issues of local concern, making recommendations for improvement.

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Select Committee	Lewisham has six Select Committees (sub-committees of the Overview and Scrutiny Committee), each made up of ten non-Executive councillors and responsible for scrutinising a specific service area. Select Committees gather evidence to help them review policies and performance and make recommendations to improve outcomes for residents.
Urgency Committee	Comprising 6 Councillors, the Speaker, Deputy Mayor, Chair of Overview & Scrutiny, a Cabinet Member and 2 other Councillors. The Committee is empowered to deal between meetings of the Council with any matters which are urgent and cannot be delayed until the next scheduled meeting of the full Council.

15. Report author and contact

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