



Urgency Committee

Report title: Council Calendar May – July 2020

Date: 30 April 2020

Key decision: No.

Class: Part 1.

Ward(s) affected: All

Contributors: Chief Executive, Acting Chief Financial Officer, 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. This paper sets out proposals to hold such meetings in Lewisham and asks members to approve a schedule of meetings for the period from May to July.

Urgency Committee is recommended to:

1. agree that the AGM of the Council will be held on 15 July 2020;
2. approve the attached schedule of meetings (Appendix A) for the period to 15 July;
3. note the provisional dates for meetings from 15 July 2020 to the end of August (Appendix B);
4. note that the calendar of meetings may be subject to review and change; and
5. to ask officers to bring a report to the Annual General Meeting to confirm a programme.

Reason for urgency

As a result of the coronavirus and government measures to prevent gatherings of more than two people in public, on 17 March 2020 the Council urgently cancelled all meetings including its AGM scheduled for 1 April 2020.

Following the introduction of the Coronavirus Act and the power to hold meetings remotely, the Council has also been exploring methods to hold meetings electronically. Those efforts are well advanced but are still being refined and it is anticipated that the technological solutions will need to be refined further to enable a quorate full Council meeting to be held.

In the meantime, the Council's various decision making bodies need to be able to meet to consider decisions which cannot be delayed. In order to facilitate consideration of such matters and to enable members to scrutinise the Council's response to the current public health emergency, a programme of business is urgently required and cannot wait until a full Council meeting can be called.

Timeline of engagement and decision-making

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.

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.

In drawing up these proposals we have drawn on the advice and guidance of the Association of Democratic Services Officers, Lawyers in Local Government and the Centre for Public Scrutiny as well as best practice case studies shared by the Local Government Association.

Members of the Council were briefed on these proposals on 20 April 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. This paper sets out proposals to hold such meetings in Lewisham and asks members to approve a schedule of meetings for the period from May to July.
- 1.3. The Local Democracy Review set out Lewisham Council's commitment to maintaining and enhancing openness and transparency, public involvement in decision-making and effective, well scrutinised democratic decision-making
- 1.4. These are extraordinary times, the Council's resources are focused on critical life and limb services seeking to protect and support the most vulnerable people in Lewisham.
- 1.5. These proposals seek to strike a balance that allow for robust, timely, transparent and well scrutinised decisions to be made by Members, whilst ensuring that resources can

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remain focused on delivering critical services, particularly as we approach the anticipated peak of the crisis over the next few weeks.

- 1.6. The proposals set out a plan for a slimmed down calendar of council meetings over the period May - August 2020 with business on agendas limited to the essential items.
- 1.7. The proposals and calendar may be subject to review, particularly if we experience further waves of infection over the coming months.

2. Recommendations

- 2.1. Urgency Committee is recommended to:
 - 2.1.1. agree that the Annual General Meeting of the Council will be held on 15 July 2020;
 - 2.1.2. approve the attached schedule of meetings (Appendix A) for the period to 15 July;
 - 2.1.3. note the provisional dates for meetings from 15 July 2020 to the end of August (Appendix B);
 - 2.1.4. note that the calendar of meetings may be subject to review and change; and
 - 2.1.5. to ask officers to bring a report to the Annual General meeting to confirm a programme of business from that date.

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 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 has now 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. A detailed guidance note from the Association of Democratic Services Officers (ADSO) and Lawyers In Local Government (LLG) can be found here <https://www.adso.co.uk/app/uploads/2020/04/7th-Apr-Remote-Meetings-Regulations-LLG-ADSO-Guidance-V2.pdf>
- 4.5. The regulations are permissive. They give councils greater flexibility over the conduct of meetings, and allow remote attendance. The Regulations allow the Council to change the frequency of meetings, to change the date and location of meetings, or to cancel meetings without notice. Appointments can be rolled over to the next AGM or until such time as the local authority decides. There is no requirement for an AGM to be held until next year.

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- 4.6. Provided the following three conditions are met, Members may now attend meetings electronically/ digitally/ virtually, either by video or telephone conference if:
- they can hear or see, and be seen or heard, by the other members in attendance;
 - they can hear or see, and be seen or heard, by members of the public who have speaking rights; and
 - they can hear or see, and be seen or heard, by other members of the public attending the meeting.
- 4.7. S100A Local Government Act 1972 continues to apply, and is unaffected by the new law. That is, councillors have no general power to choose to sit in private. Only meetings or items that fulfil the exemption criteria may be closed to the public (i.e. pink papers as we have always known them).
- 4.8. The regulations were made in Parliament on 2 April 2020 and 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.
- 4.9. The Local Government Association have put together some guidance for elected members during this emergency. It highlights the importance of ward councillors' who are amongst the people who know their areas best and their vital role in:
- acting as a bridge between councils and communities;
 - amplifying consistent messaging through disseminating council and government information;
 - identifying local vulnerabilities, particularly local residents, but also businesses, and deeding this intelligence back into the council;
 - working with local voluntary sector groups to provide support and advice to local communities; and
 - providing reassurance and facilitating support for local residents.
- 4.10. The Centre for Public Scrutiny are also providing support and guidance on a range of issues including advice on how to manage scrutiny and run remote meetings.

5. Council Annual General Meeting

- 5.1. Although the legislation allows for us not to have an AGM this year, we propose that we seek to hold an AGM as soon as it is possible.
- 5.2. Unlike many other authorities, Lewisham Council's AGM is always an important civic celebration for the borough. It is unlikely that such a high quality civic event could be held until October at the very earliest.
- 5.3. However, it is our view that it will be possible to hold a pared back, remote AGM in mid-July. This meeting would take only the essential AGM business such as elections to positions, establishing committees, appointments to outside bodies and setting out a programme of meetings for the remainder of the year. This business is set out in the Council procedural rules of the Constitution (pages 90-91).
- 5.4. With this in mind we propose to set a date for the AGM of 15 July 2020.

6. Approach - Other Committees and Bodies

- 6.1. Council
- The recommended calendar anticipates that no ordinary meeting of the full Council is held before the autumn given that:

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- there are no decisions forthcoming for Council that cannot either be deferred, be dealt with by Urgency Committee or at the AGM;
- the technical challenges; and
- the scale of resources required.
- If the current lock down, shielding, self-isolation and sickness levels continue or there are further waves of infection this may need to be further delayed.
- There may also need to be consideration of changes to the business to be considered to reduce the pressure on services.

6.2. Mayor & Cabinet

- We propose monthly meetings of Mayor & Cabinet to take required key decisions only, if no key decisions are needed the scheduled meeting will be cancelled.
- Given that the peak of the crisis is anticipated over the next few weeks and the need for all officer time to be currently focused on critical services rather than the preparation of reports, it is proposed that the first meeting be scheduled for 13 May rather than the originally planned 6 May.
- In addition to the items on the forward plan of key decisions (which are all part 2 closed reports) it is proposed to add an item on COVID-19 business support.

6.3. Scrutiny

- Following discussions with the Chair of Overview & Scrutiny and in line with the guidance from the Centre for Public Scrutiny, it is proposed that during this period a single scrutiny committee should meet with a tight focus on critical issues. It is proposed to use Overview & Scrutiny Business Panel as this committee.
- It is proposed that there are monthly meetings to consider M&C/Officer key decisions and take an item/questions on COVID situation/response/recovery plans.
- The meeting would also receive a copy of the forward plan of key decisions to enable Select Committee chairs to conduct pre-decision scrutiny.

6.4. Planning

- Planning meetings are proposed to re-commence at the beginning of June.
- The proposed calendar schedules meetings at the usual frequency and, as is usual, meetings will be cancelled if they are not needed to determine an application.

6.5. Licensing

- Licensing meetings are proposed to re- commence at the beginning of June.
- The proposed calendar schedules meetings at the usual frequency and, as is usual, meetings will be cancelled if they are not needed to determine an application.

6.6. Others select committees, standing committees, panels, assemblies, working groups

- It is proposed that no other bodies should meet unless the Chief Executive of the Council determines that there is requirement for a decision to be taken by that body.
- Should this arise the Chief Executive will call a meeting of that body.

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7. Technology

- 7.1. It is proposed that the remote meetings will be held via a Microsoft Teams video conference call for members of the committee and officers, and any others specifically invited to participate in the meeting.
- 7.2. Microsoft Teams can be accessed online using any Council supplied or personal computer, tablet or smartphone either via an app or web browser. There is no need to be connected to the Council systems to access the Microsoft Teams conference. It is also possible and meets the legal requirements for members to join the meeting by dialling in on a telephone.
- 7.3. The video conference will be broadcast live using Public-i – the system the Council already uses for webcasting – to allow the public to observe the meeting and to meet the requirements of the regulations.
- 7.4. We will continue to monitor and review the effectiveness of this solution and keep alternative and emerging options under consideration.

8. Financial implications

- 8.1. As the proposed technology solution makes use of our existing Microsoft Teams and Public-i technology and licences there are no specific additional financial implications of these proposals. The cost of the meetings can be accommodated within existing service budgets.

9. Legal implications

- 9.1. The main provisions of the Regulations which permit remote meetings are set out in the body of the report. The Regulations also state that the ability to hold remote meetings is not undermined by anything in the Council's rules that would seem otherwise to undermine it. However the provisions of the Council's constitution are otherwise unaffected by the Regulations. The Council's decision making process is otherwise unchanged. The requirements for notice, records and access to information remain unchanged except that those requirements may now be met electronically. The terms of reference of the various committees, business panels and select committees remain unaffected.
- 9.2. The Council's Constitution provides at Article 6.8.b that where a particular issue would fall within the remit of more than one overview and scrutiny select committee, the Overview and Scrutiny Business Panel, may decide on the allocation to a select committee or reserve the matter to itself for consideration. Perhaps more than any other matter, the Council's response to COVID 19 crosscuts the remit of Overview and Scrutiny select committees and it can therefore be scrutinised by the Overview and Scrutiny Business Panel should it wish to do so.
- 9.3. Members should note that it is a requirement of the Local Government Act 2000 as amended, for local authorities to have in place arrangements which provide for Overview and Scrutiny members to be able to require those making executive decisions to reconsider decisions made but not yet implemented. This is commonly known as call in. Where such a request is made the decision maker must reconsider. The provisions in the Constitution by which this operates still apply.
- 9.4. Under the Local Authorities (Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013 there is a statutory duty for health bodies to consult local authorities if they have proposals for substantial development or substantial variation of health services. Under the Council's constitution, the body which responds to this statutory consultation is the Overview and Scrutiny Healthier Communities Select Committee. This role will remain with that Select Committee and if any consultation

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were forthcoming, a meeting could be called remotely to respond. Similarly, the Safer Stronger Select Committee has a statutory role in relation to police matters and though not provided for in the programme of meetings, in urgent circumstances a meeting of that select committee could also be called.

- 9.5. Councils are not relieved from the duty to hold meetings in public. It would generally be sufficient to satisfy the rules for meeting in public if the public could hear and if possible see the contributions made. Webcasting of the proceedings is sufficient for these purposes. However prior to the meeting of the Planning Committee attention will need to be given to the way in which applicants and objectors representations can be made.
- 9.6. The Urgency Committee has power to take decisions that are capable of delegation and which are urgent when it is not feasible to convene a quorate meeting of the full Council to make the decision. To date the technological solution has not been in place to facilitate such a meeting with confidence. Legal advice is that the matters considered at the meeting of the Urgency Committee should be referred to the full Council at the earliest opportunity for endorsement and or amendment. It is noted that an all-member briefing has taken place and any written representation made by individual members in relation to matters before the Urgency Committee will be reported to the Committee.
- 9.7. Should the Council wish to change its rules of procedure on a temporary basis to provide for remote meetings, that would be possible but as it would entail constitutional change, it could only be done by full Council.
- 9.8. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the 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.
- 9.9. 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.
- 9.10. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity 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 in the paragraph above.
- 9.11. 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 the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor 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.
- 9.12. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes

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steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

9.13. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

9.14. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

10. Equalities implications

10.1. 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>

10.2. 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. We are limiting decision making and committee meetings to the essential and urgent decisions and meetings that cannot be deferred and 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.

11. Climate change and environmental implications

11.1. There are no specific implications.

12. Crime and disorder implications

12.1. There are no specific implications.

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13. Health and wellbeing implications

13.1. There are no specific implications.

14. Background papers

14.1. LGA COVID-19 Councillor Guidance

<https://www.local.gov.uk/covid-19-outbreak-councillor-guidance>

14.2. LGA Remote Council Meetings Hub

<http://www.local.gov.uk/our-support/guidance-and-resources/remote-council-meetings>

14.3. Centre for Public Scrutiny COVID-19 Guides

<https://www.cfps.org.uk/home-2/covid-19/>

14.4. LLG/ADSO Guidance on Virtual Meetings

https://www.lawyersinlocalgovernment.org.uk/news_articles/llg-adso-produce-guidance-on-the-virtual-meeting-regulations

15. 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. |
| Association of Democratic Services Officers | A membership Association with the vision and mission to be a nationally recognised professional association, regarded as such by central government, their members and partners and to represent, promote and develop excellent democratic services, for the benefit of all those working within the sector and those they support. |
| Call-in | The Business Panel Chair, Business Panel Vice Chair, any three members of Business Panel, or any five members of the Overview and Scrutiny Committee can request that a key decision that has been taken by the Executive, or under delegated powers, is considered by the Business Panel prior to implementation. The Business Panel can refer the decision back to the relevant decision maker for reconsideration, or ask that it be reviewed by full Council. This process is known as 'call in'. |
| Centre For Public Scrutiny | CfPS is a national centre of expertise on governance and scrutiny. It undertakes research, policy development and campaigning as well as providing consultancy and training to organisations. |
| Corporate Strategy | Lewisham's Corporate Strategy sets out the Council's overall vision and priorities for the four years 2018-22. |

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| 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. |
| Lawyers in Local Government (LLG) | A professional association open to any local government legal or governance officer working within a Local Authority. LLG's primary purpose is to represent, promote and support the interests of its members. |
| Licensing committees | Comprises 10 councillors taking decisions on a range of Licensing and Gambling applications or and reviews of licenses including personal licences, premises licenses, designated premises supervisor and temporary event notices. |
| 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. |
| Local Government Association | The Local Government Association is the national membership body for local authorities and works on their behalf to support, promote and improve local government. |
| 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. |
| Microsoft Teams | Microsoft Teams is an online platform which allows teams to collaborate and work together virtually. Its features include business messaging, calling, video meetings and file sharing. |
| 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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|---|---|
| <p>Overview & Scrutiny Business Panel (OSBP) and Education OSBP</p> | <p>Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).</p> <p>OS Business Panel is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.</p> <p>The main functions of Business Panel are reviewing key decisions once they have been taken (potentially “calling in” key decisions that have been made but not yet implemented); coordinating and approving the overall scrutiny work programme; and allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body.</p> <p>Three parent governors and two diocesan representatives sit on the Education Business Panel, alongside the councillors that make up the regular Business Panel. The Education Business Panel reviews (and can call-in) key decisions that are education matters.</p> |
| <p>Planning committee</p> | <p>There are 4 planning committees - Strategic Planning committee which takes decisions on the largest and most strategically important planning applications and three other committees which take decisions on a range of other applications without regard to any geographical boundaries.</p> |
| <p>Select Committee</p> | <p>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.</p> |
| <p>Urgency Committee</p> | <p>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.</p> |

16. Report author and contact

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