



Local Democracy Working Group

Update On Proposals To Introduce Hybrid (Public) Committee Meetings

Date: 23rd September 2020

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Director of Law, Governance & HR

Outline and recommendations

In response to the coronavirus pandemic, the Government has temporarily (until and including 6th May 2021) removed the legal requirement for physical attendance at public (Council committee) meetings. Broadly speaking, this means that Councils have the power to hold public meetings remotely by using video or telephone conferencing technology and can be held in virtual locations as opposed to a place – i.e. a Council building. With the relaxation of lockdown, it has been mooted to hold some form of hybrid/blended meetings where some Councillors are physically present. As we move to the next phases of Covid-19 and the road to recovery, it is clear that the Council's intention is to move to holding hybrid/blended/integrated committees meetings, which is underpinned by the outcomes of LDR.

The purpose of this report is therefore to provide a briefing for members of the Local Democracy Working Group (LDWG), to consider to moving to holding (public) committee meetings as the business as usual post March 2021. The Local Democracy Working Group (LDWG) is recommended to note the contents of the report (including the definition of hybrid meetings as set out in section 5), agree that, as part of its continued work programme, it will oversee the Council moving to holding (public) committee meetings as business as usual post March 2021 and agree that a report should be presented to the next formal meeting of the LDWG in December 2020 outlining the timetable and resource implications.

Timeline of engagement and decision-making

May 2018 – Mayor Damien Egan promises to launch a review that will make the Council *‘even more democratic, open and transparent’*

July 2018 – Full Council agrees to establish a Local Democracy Review Working Group consisting of eight councillors

September 2018 to January 2019 – the Working Group gathers evidence from a wide range of residents, community groups and local councillors

January to March 2019 – the Working Group collects their evidence into a final report, which identifies 57 recommendations for change

March to April 2019 – Mayor & Cabinet and Full Council agree the report and recommendations

May 2019 to March 2020 – the retained Local Democracy Working Group oversees delivery of the recommendations

September 2020 to January 2021 – the Local Democracy Working Group is extended so that it can complete its outstanding work and also consider the impact of COVID-19 on the three key themes of the review

Reason for lateness and urgency

The report has not been available for five clear working days before the meeting and the Chair is asked to accept it as an urgent item. The report was not available for dispatch on 15th September 2020 due to officer capacity and the wider pressures of the Council’s ongoing response to the COVID-19 pandemic. The report cannot wait until the next scheduled meeting in December 2020 because decisions are required to enable work to progress in the interim (so that all recommendations made by the Local Democracy Review are delivered by the end of the extension period in January 2021).

1. Summary

- 1.1. The purpose of this report is to provide a briefing for members of the Local Democracy Working Group (LDWG), to consider moving to holding (public) committee meetings as the business as usual post March 2021.

2. Recommendations

- 2.1. The Local Democracy Working Group (LDWG) is recommended to:

- Note the contents of the report, including the definition of hybrid meetings as set out in section 5
- Agree that, as part of its continued work programme, it will oversee the Council moving to holding (public) committee meetings as business as usual post March 2021
- Agree that a report should be presented to the next formal meeting of the LDWG in December 2020 outlining the timetable and resource implications

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

3. Policy context

3.1. The recommendations of the Local Democracy Review are consistent with all the Council's corporate priorities (outlined in the Corporate Strategy 2018-22) as effective decision-making underpins the delivery of every commitment within the strategy. However, the recommendations are particularly relevant under the priority of:

- *Open Lewisham* – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us

4. Background and the current legal position

4.1. In response to the coronavirus pandemic, the Government has temporarily (until and including 6th May 2021) removed the legal requirement for physical attendance at public (Council committee) meetings.

4.2. Broadly speaking, this means that Councils have the power to hold public meetings remotely by using video or telephone conferencing technology and can be held in virtual locations as opposed to a place – i.e. a Council building.

4.3. Until the 4th July 2020, there was confusion and conflicting views as to whether it was lawful for local authorities to hold some form of hybrid or blended public committee meetings.

4.4. The Government decided to revoke the previous regulations known as “The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020” (“the first restrictions regulations”) and the subsequent four sets of amending regulations (“the amending regulations”), and to consolidate any remaining provisions (from the first restrictions regs as some remained in force) into “The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020” – herein after will be referred to as the Regs - came into force on the 4th July 2020 and, for the time being, remain in force.

4.5. With the relaxation of lockdown, it has been mooted to hold some form of hybrid/blended meetings where some Councillors are physically present.

5. What is meant by a hybrid or blended (public) committee meeting?

5.1. A Hybrid meeting is any meeting (whether it's just Councillors or Councillors and public), which has some people in physical attendance and others participating virtually, at the same time. It is sometimes referred to as a blended or integrated meeting. Technically, two people will need to be physically present for it to be considered a hybrid meeting.

5.2. The key question that needs to be asked for a meeting to be deemed as a hybrid meeting is – do the public, Councillors and the press all have the choice of being able to attend in person (to view) and/or participate in a meeting that is being held in a Council building. If not, then there is no difference to holding the meeting remotely in a virtual location.

6. Moving to Hybrid meetings as the business as usual post March 2021.

6.1. As we move to the next phases of Covid-19 and the road to recovery, it is clear that

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

the Council's intention is to move to holding hybrid/blended/integrated committees meetings, which is underpinned by the outcomes of LDR.

- 6.2. The delivery of the work programme has been paused for the obvious reasons (the delivery of the work programme has been extended until January 2021)
- 6.3. The LDWG should consider to explore the longer-term options available for holding hybrid meetings as part of its on-going work programme.

7. Financial implications

- 7.1. There are no immediate financial implications arising from this report

8. Legal implications

- 8.1. Legal implications are Included within the body of this report.

9. Equalities implications

- 9.1. 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.
- 9.2. 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
- 9.3. 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.
- 9.4. 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, bearing in mind the issues of relevance and proportionality. The Mayor and Council 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.
- 9.5. 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 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

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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>

9.6. 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

9.7. 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. Climate change and environmental implications

10.1. There are no specific climate change and environmental implications arising from this report.

11. Crime and disorder implications

11.1. There are no specific crime and disorder implications arising from this report.

12. Health and wellbeing implications

12.1. There are no specific health and wellbeing implications arising from this report.

13. Background papers

13.1. There are no background papers to this report.

14. Glossary

Term	Definition
Hybrid or Blended Meetings	A Hybrid meeting is any meeting (whether it's just Councillors or Councillors and public), which has some people in physical attendance and others participating virtually, at the same time.
Local Democracy Review	The Local Democracy Review was a councillor-led review of local democracy in Lewisham, which 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.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Term	Definition
Local Democracy Working Group	The Local Democracy Working Group is a group of eight councillors who are responsible for implementing the recommendations of the Local Democracy Review during 2019/20. It has now been extended until January 2021.

15. Report author and contact

- 15.1. If there are any queries about this report, please contact Suki Binjal (Director of Law, Governance & HR) by email (suki.binjal@lewisham.gov.uk).

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>