



## Overview and Scrutiny Business Panel

### **Hybrid Meetings Update (Appendix 1 to Covid 19 update report)**

**Date:** 29 September 2020

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Director of Law, Governance and HR

### **Outline and recommendations**

This report forms part of the regular COVID19 updates provided to the Business Panel. It sets out the current position in respect of the Council moving hold hybrid (public) committee meetings as business as usual.

## Timeline of engagement and decision-making

On the 18<sup>th</sup> August 2020 Business Panel Members received a briefing note on the possibility of moving to hybrid meetings.

On Wednesday 23 September 2020 the Local Democracy Working Group considered a report as part of its on-going local democracy review work programme in respect of the Council moving to hybrid (public) meetings.

### Summary

- 1.1. This report provides an update on the current position regarding the possibility of holding hybrid (public) committee meetings as business as usual.
- 1.2. Business Panel is asked to note the current position.

### 2. Recommendations

- 2.1. There are currently no immediate recommendations. However, the Business Panel is invited to consider, discuss and provide comments.

### 3. Policy Context

- 3.1. The Council's Corporate Strategy 2018-22 sets out 7 corporate priorities that drive decision making in the Council. Lewisham's corporate priorities have been agreed by full Council and they are the principal mechanism through which the Council's performance is reported:

1. Open Lewisham
2. Tackling the housing crisis
3. Giving children and young people the best start in life
4. Building an inclusive local economy
5. Delivering and defending: Health, Social Care and Support
6. Making Lewisham greener
7. Building safer communities

- 3.2. Effective decision-making underpins the delivery of every commitment within the corporate strategy and the Council works closely with our residents to understand the differing needs of our diverse community. Hybrid meetings are particularly relevant to the Open Lewisham priority.

Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.

### 4. Background

- 4.1. The purpose of this report is to provide an update for Business Panel on the current position regarding the possibility of holding hybrid (public) committee meetings.

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- 4.2 During the coronavirus pandemic, the government temporarily removed the requirement for local authorities to hold public meetings physically present in person.
- 4.3 From the 4<sup>th</sup> April 2020, local authorities were given powers to hold public meetings virtually until and including 6<sup>th</sup> May 2021. (Pursuant to regulation 5 of 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 flexibility regulations”], made under s. 78 of the Coronavirus Act 2020.)
- 4.4 Until the 4<sup>th</sup> 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.
- 4.5 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 4<sup>th</sup> July 2020 and, for the time being, remain in force.
- 4.6 With the relaxation of lockdown, it has been mooted to hold some form of hybrid/blended meetings where some Councillors are physically present.

## **5. Hybrid meetings**

### **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.
- 5.2 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.
- 5.3 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.
- 5.4 If not, then there is no difference to holding the meeting remotely in a virtual location.

### **Provisions relating to hybrid/blended meetings and full meetings under the Regs.**

- 5.5 There are no provisions under the regulations that prevent more than 30 individuals meeting inside a Council building; however, it is clear from the guidance that the government still expects use of the virtual meeting provisions where possible.
- 5.6 It is a matter for each authority whether it wishes to conduct hybrid/blended meetings and/or full meetings, provided it can satisfy the principles laid out in the following:
- government’s [core public health guidance](#) regarding health and hygiene
  - the [social distancing restrictions](#)
  - [working safely during the coronavirus](#) in offices and contact centres and to ensure employees are safe to return to work – ‘safer workplaces’ guidance

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- any local lockdown areas or restrictions

5.7 It is clear from the Covid-19 guidance (updated 31<sup>st</sup> July 2020), for the safe use of a Council building in respect of public meetings taking place, that government still expects the continued use of the video or telephone conferencing technology – below is an extract from the relevant guidance -

**“.....3c: Meetings**

*We continue to recommend that where meetings can take place digitally, without the need for face-to-face contact, they should do so. Where Council buildings need to be used for physical meetings, these meetings must be managed within the social distancing guidance and principles set out above.*

- [Working safely during coronavirus \(COVID-19\): Offices and contact centres](#)

*The principles set out in the ‘Safer workplaces’ guidance apply, but are not limited to:*

- *meetings of civic, political or community groups (e.g. parish Council meeting, ward meeting of political party; charity board of trustees)*
- *MP or Councillor surgery/drop-in sessions*
- *public meetings and local consultations (e.g. planning)*

*Local authorities in England still have the [powers](#) to hold public meetings virtually, by using video or telephone conferencing technology....”*

5.8 Holding such meetings lawfully, during the pandemic will mean that each Council will need to address the public health concerns and in particular the Council’s health and safety legal obligations. These relevant statutory obligations are pursuant to the Health and Safety at Work etc Act 1974, Ss. 2, 3 and 4 which provide statutory obligations owed by the Council to our staff, contractors, and any other persons coming onto our property/buildings for the purposes of any such meeting.

5.9 This is an ongoing statutory duty of care placed upon the Council. Given the Covid 19 situation, the need for risk assessments will be crucial, as will the method used by the Council on an “as and when basis” to address the potential risk of serious harm to persons coming onto Council property/buildings to attend and/or to be involved with facilitating such hybrid meetings.

5.10 Further, given that holding hybrid meetings will mean that some persons will be physically attending Council premises for the meeting, the implications of the Equality Act 2010 will also need to be addressed. The s. 149 duty (“having due regard”) within the context of Covid 19 particularly needs consideration. Whilst Covid 19 is still present, the implications of an increased risk of Covid in particular for our BAME communities and for others with recognised characteristics that are particularly vulnerable and so at heightened risk, should be noted for the purposes of holding hybrid meetings.

5.11 It is therefore for each local authority to determine what is appropriate in their special circumstances, taking legal advice as necessary.

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### **Current position at Lewisham:**

- 5.12 It is clear that under the Covid-19 guidance (updated 31<sup>st</sup> July 2020), for the safe use of a Council building, that operators of Council buildings will have discretion over when they consider it safe to open for activity permitted by legislation and may decide to remain closed at this stage if they are not able to safely facilitate the relevant guidelines. Accordingly, the Council decided to close all Council buildings other than Laurence House until the end of March 2021.
- 5.13 Some Councillors have mooted the desire to move to holding hybrid meeting within the parameters of the legislation and guidance in the present Covid 19 situation.
- 5.14 After carrying out an options appraisal under the current circumstances, the Council could accommodate a maximum capacity of 29 people (in total) in the Council chamber in the civic suite, to be able to safely hold a hybrid (public) meeting, which of course is currently closed. In any event, even if the Council were minded to re-open the civic suite to hold hybrid meetings it would not be feasible and would be susceptible to potential (high) risks.
- 5.15 Protecting everyone's health and wellbeing is paramount and the Council must keep the number of people in shared spaces to a minimum, to avoid the risk of spreading COVID-19.
- 5.16 Government afforded local authorities 'the meeting flexibilities' to help redeploy its resources to deal with the pandemic and ensure essential business continues, whilst upholding democratic principles and protecting the health and safety of Cllrs, officers and the public, in line with official public health guidance.

### **Short term (interim) option - Laurence House**

- 5.17 There is a possibility that some Council meetings could take place in the form of a virtual/blended fashion could take place at Laurence House. Some Councillors could physically be present in the building subject to current public health guidance (such as the social distancing rules), whilst others remain on a video/teams place.
- 5.18 This option has been identified as a possible solution for the short term – a virtual plus option. However, the Council would need to consider the logistics and balance its continued duty to safeguard the staff. The government is clear that no one should feel obliged to work in a workplace they consider to be unsafe.
- 5.19 Accordingly, Members will be aware that the Council has put in place measures for staff (those not working in critical services) to continue to work from home until the end of March 2021 and therefore, this option would not have officer support at Laurence House. Of course, officers will continue to support remotely.

### **Longer term position - the Role of the Local Democracy Review Working Group**

- 5.20 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 the Local Democracy Review (LDR).

The delivery of that work programme was paused and has been extended until January

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2021. However, the Working Group held a meeting on the 23<sup>rd</sup> September 2020 and considered a report for the Council moving to hybrid (public) committee meetings as the (new) business as usual as part of its on-going local democracy review work programme.

Members recognised the benefits of hybrid meetings, both for Councillors (ability to balance Council, ward and other commitments e.g. attending virtually for committee agenda items whilst at ward meetings) and residents (allowing people who can't attend in person to participate).

The LDR Working Group agreed to oversee the Council facilitating lawfully and safely the holding of hybrid/ blended/ integrated committee meetings.

It will be for the LDR Working Group to agree the parameters, the timetable and the processes, including understanding the risks, resource implications, consider lessons learnt to date (IT glitches and behaviours/etiquette), and to put in place appropriate member support/training.

A further report will be provided at its next meeting to consider the logistics and the resources implications.

5.21 For information there is a preliminary benchmarking paper attached as appendix A – Council benchmarking for virtual plus/some format of hybrid-fashion committee meetings

5.22 There is also a preliminary IT options appraisal attached as appendix B for your information.

## **6. Financial implications**

6.1. There are no specific additional financial implications to be noted at present.

## **7. Legal implications**

7.1. These are included within the body of this Report.

## **8. Equalities implications**

8.1. These are included within the body of this Report.

## **9. Climate change and environmental implications**

9.1. There are no direct climate change or environmental implications arising from the implementation of the recommendations in this report.

## **10. Crime and disorder implications**

10.1. There are no direct crime and disorder implications arising from the implementation of the recommendations in this report.

## **11. Health and wellbeing implications**

11.1. There are no direct health and wellbeing implications arising from the implementation of the recommendations in this report.

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## 12. Relevant and linked reports

12.1 On the 18<sup>th</sup> August 2020 the Business Panel Members received a briefing note on hybrid meetings as part of the Covid 19 update.

12.2 The Local Democracy Working Group considered a report on hybrid meetings on Wednesday 23 September 2020

## 13. Background papers

None

## 14. Glossary

Term	Definition
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.
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.
Overview & Scrutiny Work Programme	An annual programme of work setting out the matters which the select committees will scrutinise over the year.
Overview & Scrutiny Business Panel (OSBP) and Education OSBP	<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>

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**15. Report author and contact**

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