

# Crawley Borough Council

## Report to Governance Committee

15 March 2021

### Future Format of Council Meetings

Report of the Democratic Services Manager – LDS/165

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#### 1. Purpose

- 1.1. At its meeting on 1 February 2021 the Overview and Scrutiny Commission (OSC) requested that the Governance Committee look at the future format of the Council's formal and informal meetings and provide an initial steer as to which could be held in person, virtually, or in hybrid form.
- 1.2. In addition, should the necessary legislation come into force in time for the Full Council AGM on 28 May 2021, it will be necessary to decide in what format to hold that AGM meeting.
- 1.3. This report sets out the current legislative position on the format of Council meetings and requests that the Committee considers the potential options available in relation to these matters.

#### 2. Recommendations

- 2.1. That the Governance Committee provides an initial steer as to which type of Council meeting should, in principle, be held in person, virtually, or in hybrid form.
- 2.2. That the Governance Committee recommends to the Full Council:
  - a) Which type of Council meeting should, in principle, be held in person, virtually, or in hybrid form.
  - b) Whether, dependent on any new legislation which comes into force, the Full Council AGM on 28 May 2021 should be held in person, virtually, or in hybrid form.
  - c) That, should further legislation not be enacted which allows the continuation of virtual meetings, meetings in public held by the Council revert back to in person meetings and the Virtual Committee Procedure Rules and Licensing Sub-Committee (Hearings) Virtual Procedure Rules be rescinded.
  - d) That, should legislation come into force, the Monitoring Officer be delegated authority to amend the Constitution to reflect the wishes expressed by the Committee and the Full Council to ensure that meetings are held in the most optimal way possible.

### **3. Reason for the Recommendations**

- 3.1. To ensure that Council meetings are held in the most optimal way possible.

### **4. Background**

- 4.1. In response to the COVID-19 pandemic, legislation was enacted by the Government which allowed Council meetings to be held virtually. Since this legislation came into force all the Council's public meetings have been held virtually and Virtual Committee Procedure Rules and Licensing Sub-Committee (Hearings) Virtual Procedure Rules have been introduced into the Council's Constitution.
- 4.2. Following a request by the Overview and Scrutiny Commission on 1 February 2021 and subsequent consideration by the Cabinet on 3 February 2021, the Full Council on 24 February 2021 resolved to request that the Governance Committee looks at the future format of the Council's formal and informal meetings and provides an initial steer as to which could be held in person, virtually, or in hybrid form. The definition of a hybrid meeting is any meeting (whether councillors only or councillors and public) which has some people in physical attendance and others participating virtually. It is sometimes referred to as a blended or integrated meeting. For the Committee's convenience a list of formal and informal meetings is attached as Appendix A.

### **5. Current and Potential Legislative Position**

- 5.1. In response to the COVID-19 pandemic, the Government temporarily removed the legal requirement for physical attendance at (public) Council committee meetings. This meant that local authorities are able (until 7 May 2021) to hold public meetings remotely by using video conferencing technology and these Council meetings can be held in virtual locations as opposed to a physical place (i.e. a Council building). If there is no change in the legal position then, as from 7 May 2021, Council meetings will have to revert back to physical meetings only. Should this deadline however be extended or new legislation passed local authorities may be able to either continue to hold meetings virtually or in a hybrid format (which is not permitted under current legislation).
- 5.2. On 12 October 2020, the Local Government Association (LGA) wrote an open letter to the Secretary of State seeking an extension to the current May 2021 deadline. The latest position is that, if the Government is not minded to amend the regulations so as to extend the deadline, then two professional bodies – Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) – having sought an Advice from a leading barrister, will be taking steps to obtain a legal Declaration from the High Court. The legal Declaration being sought will confirm that the Local Government Act 1972 allows meetings to be held remotely or in hybrid form when the current provisions under the Coronavirus Act and Regulations expire on 6 May 2021. Basically, it will be argued to the Court that remote attendance could satisfy the 1972 Act's requirements that somebody be present at a meeting while the actual place of a meeting could be a digital place. The situation regarding this is not certain by any means, the optimal position would be for primary legislation to allow remote meetings, but a Declaration from the Court will certainly clarify the legal position under the 1972 Act and enable the lawful continuation of virtual and hybrid meetings from 7 May 2021 onwards.

## **6. Future Format of Formal and Informal Council Meetings**

- 6.1. Following the request by the Overview and Scrutiny Commission that this Committee looks at the future format of the Council's formal and informal meetings, a list of Council meetings is attached as Appendix A. The Committee is asked to provide an initial steer as to which of these meetings could be held in person, virtually, or in hybrid form.
- 6.2. Any preference in meeting format will be dependent on potential new legislation. Therefore, should the Committee be minded that any Council meeting should, in principle, be held either virtually or in hybrid form the Committee, and in turn the Full Council, are asked to delegate authority to the Monitoring Officer to enact any changes in procedure in the Council's Constitution to reflect the steers provided by both this Committee and the Full Council.

## **7. Full Council AGM on 28 May 2021**

- 7.1. In addition to the legislation relating directly to Council meetings, the Government's Covid-19 Response: Spring 2021's "Roadmap" anticipates that all legal restrictions in relation to COVID-19 will be lifted on 21 June 2021 at the earliest. With the Full Council's AGM due to take place on 28 May 2021 it may not be possible to hold the meeting with all Councillors in physical attendance. In light of this, the Committee is asked to consider how the Full Council AGM should be held and provide a recommendation to the Full Council on that basis.
- 7.2. After the AGM, the first committee meetings of the municipal year (Overview and Scrutiny Commission and Planning Committee) take place on 7 and 8 June 2021 respectively. Practically, given the health and safety issues involved regarding social distancing requirements it should be noted that 6 people only may safely attend at any one time in the committee room B.

## **8. Implications**

- 8.1. The cost and practical implications of hybrid meetings are still under review and it is therefore not possible to provide detailed information at this time. However, it is a given that any introduction of hybrid meetings will incur additional costs to the Council, especially in advance of the move to the new Town Hall.

## **9. Background Papers**

- [The Local Authorities and Police and Crime Panels \(Coronavirus\)\(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations](#)
- [LGA's Open Letter to the Secretary of State: 12 October 2020](#)
- [Government's Covid-19 Response: Spring 2021's "Roadmap"](#)
- [Council's Constitution](#)

Report author and contact officer:

Chris Pedlow (Democratic Services Manager)  
[chris.pedlow@crawley.gov.uk](mailto:chris.pedlow@crawley.gov.uk) 01293 43 8549