

BARNESLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

REPORT OF THE CORE EXECUTIVE DIRECTOR TO CABINET

RESTORATION OF MEETING ARRANGEMENTS

1. PURPOSE OF REPORT

This report is presented:

- 1.1. To note the 3 phased approach taken to achieving the long-term plan for the restoration of meeting arrangements.
- 1.2. To provide an update on the measures undertaken to address the emergency arrangements implemented to address the challenges of lockdown in respect of convening and conducting live compliant meetings and highlight successes to date (phase 1).
- 1.3. To report on where on-going improvements in technology means the Council is now able to start looking at the prospect of returning meetings to a pre-lockdown position, albeit virtually, and subject to the pre-requisite Members 'tech refresh' programme which is needed to ensure robustness of service (phase 2).
- 1.4. To present the next phase of further restoring physical or hybrid physical/virtual meeting arrangements, subject to required amendments to Coronavirus Act legislation (phase 3).

2. RECOMMENDATIONS

Cabinet is asked to:

- 2.1. **Note the emergency actions taken in addressing the challenges of lockdown and successes achieved, the proposals to virtually return all meetings to a pre-lockdown position and, in accordance with any changes to Coronavirus Act legislation, the proposals to further restore physical or hybrid physical/virtual meeting arrangements.**
- 2.2. **Note the proposed, amended 'tech refresh' programme for Members, required to support the restoration of meeting arrangements ambition.**

3. INTRODUCTION

Phase 1

- 3.1. At the start of April, the Council implemented lockdown measures because of the Coronavirus pandemic and established emergency arrangements such that the workforce was in a position to continue to deliver vital services to the public and communities of Barnsley.

- 3.2. Of utmost importance at this time was the implementation of plans to maintain the continuation of front-line services and necessitated the immediate suspension of all physical Council meetings, awaiting revised legislation.
- 3.3. Shortly after the lockdown was implemented, the government enacted 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 Coronavirus Act 2020") as a means to (in part) enable councils to conduct remote meetings (provision 78) in a manner that had never been seen before, allowing members to be deemed present by virtue of remote connection.
- 3.4. Key to these emergency arrangements was providing the technology to be able for staff to work from home safely and effectively. Significant work took place to ensure staff were issued with hardware and software in order to maintain a 'business as usual' approach as much as was reasonably practicable in the circumstances.

Phase 2

- 3.5. Barnsley was one of the first councils nationally to commence the live streaming of public meetings, maximising usage of the technology available at that time. However, some limitations in virtual meeting technology have restricted our remote meeting ambitions, such as the number of people who can feature on screen, lack of voting facilities and complexities in respect of different joining platforms which can greatly affect user engagement. As new functionalities are deployed, these will be used to our advantage.
- 3.6. In addition, the Council has been central to promoting the advantages of conducting sub-regional and regional business via virtual meetings.
- 3.7. In undertaking thorough risk assessments, it is clear that in order to be able to resume meeting arrangements the technology needs to be available to all Members of Council such that they can play a full and active part in proceedings. This will be achieved in a secure manner, acknowledging the pitfalls experienced by other Local Authorities, and compliant with changes to guidance, noting this currently prohibits the convening of part physical meetings.

4. PROPOSAL AND JUSTIFICATION

Implementation

- 4.1. Microsoft Teams is the solution chosen for conducting virtual meetings. Cyber security experts within the council assured of its security credentials and the software was already familiar to officers due to the ongoing Enabling Technology programme rolling out new devices to all officers with MS Teams as a default function. Members were initially scheduled for deployment around June 2020 but this timeline has been significantly impacted by the COVID19 situation.

- 4.2. The Coronavirus Act 2020 provides stipulations for remote meetings to be deemed compliant. The proposed remote meeting procedure rules are at Appendix A to this report.

Webcasting

- 4.3. A key condition for remote meetings to be deemed compliant is that members of the public must be able to hear, and preferably see, proceedings.
- 4.4. We immediately commenced work in partnership with our webcasting partner to ensure our meetings could be webcast live through the Council's existing webcasting arrangements.
- 4.5. To date we have successfully broadcast 17 Council meetings including 4 meetings of Cabinet, a full round of Area Councils, 2 Overview and Scrutiny meetings, 2 Planning Regulatory Boards and Audit Committee. In respect of our metropolitan lead functions we have also broadcast meetings of the South Yorkshire Police and Crime Panel, the South Yorkshire Pensions Authority and the South Yorkshire Fire Authority.
- 4.6. Viewing figures have been encouraging, with 1050 meeting views at the time of writing this report. The Cabinet meeting of 15th April 2020 has been watched 188 times and Area Council meetings received between 34 and 48 views.
- 4.7. Importantly, all statutory meetings were quorate, conducted in a manner fully compliant with the appropriate regulations and almost all Members have been able to successfully join remote meetings. This has been made possible due to the assistance of the Council's IT support staff who have undertaken a tremendous amount of work to help Members address any issues.

Temporary Amendments to the Memberships of the Overview and Scrutiny Committee and Planning Regulatory Board

- 4.8. Faced with the requirement to consider what mitigations might be required to facilitate the continuation of governance functions due to the Covid epidemic it was decided to reduce the membership on the Overview and Scrutiny Committee and Planning Regulatory Board purely to make the virtual meetings more manageable as at the time it was considered difficult to manage 30+ members on screen at once. Respective party whips were consulted and asked to nominate which Members would continue to attend the virtual meetings.
- 4.9. Members who have been asked to not 'attend' the full virtual meetings have still been fully engaged in their respective workstreams and day to day duties.
- 4.10. Government guidance continues to be monitored in respect of social distancing and full meeting arrangements will be resumed in due course, as per the commentary below on Forward Planning.

Lessons Learnt and Forward Planning

- 4.11. Unfortunately, the lockdown occurred before the planned 'tech refresh' programme for Members was due to commence rollout, giving members new devices with the Office 365 suite pre-configured. It is recognised this programme, had it been implemented, would have helped address many of the issues Members have had when trying to engage with remote meetings. The restitution of this programme is therefore seen as our immediate priority as this will both aid Member participation and provide the robustness of service required to facilitate further moves towards full meeting restoration.
- 4.12. Government guidance of social distancing will continue to be observed and will inform our timeline for the full restoration of physical meetings. This guidance will be followed in respect of meeting attendee social distancing and public social distancing, as public attendance at meetings would be required to be reinstated once physical meetings are resumed. At present meetings must be either virtual or physical – no 'hybrid' arrangements are allowed under appropriate regulations.

Restoration of Full Meeting Arrangements

- 4.13. Ongoing improvements in technology and staff capability has meant the Council is now in a position to start looking at the prospect of returning meetings to a pre-lockdown position albeit virtually.
- 4.14. To facilitate a return to pre-coronavirus meeting arrangements for Overview and Scrutiny Committee and Planning Regulatory Board it is recommended that the tech refresh programme for elected members is brought forward in a simpler form. The previous direction of travel was to work with members to arrive at a suitable choice of devices. It is proposed that to expedite the refresh process the choice element is removed and members refreshed with a standard laptop. This can be revisited when circumstances allow, and these laptops redeployed to officers still awaiting refresh. This will give a consistent experience across all members which will also bring the benefit of only needing to produce guidance documents once.
- 4.15. The IT service will support deployment of devices to members and give support where required but especially for remote meetings as is already the case. The 8-step pre-refresh guide for officers will be revisited to ensure only steps that are absolutely necessary are required of members. It is important to note that successful deployment is contingent on the preparedness of the recipient.
- 4.16. Regarding the restoration of physical meetings, government guidance on social distancing will continue to be monitored and the Council Chamber will continue to be risk assessed in respect of how we may tailor arrangements to accord with that guidance.
- 4.17. With the tech refresh programme complete, and subject to government guidance, the expectation is to hold our first full council meeting towards the end of July 2020 (to coincide with existing date in the diary). To test these arrangements, it is intended a meeting of the full Planning Regulatory Board and/or the Overview

and Scrutiny Committee can be held mid-July. Guidance and support will be offered to elected members where required.

- 4.18. Consideration will continue be given to arrangements which allow for some areas of the Governance operation to physically or 'hybrid virtual/physical' resume, subject to guidelines.

Phase 3

- 4.19. Based on our current understanding, taking all factors into account and recognising both the limits of technology and primary requirement to ensure the safety and security of everyone engaged with the meetings environment, AND recognising the legal limitations of the current guidance in respect of meeting arrangements, a timetable for the full restoration of meetings may be as follows:

- With immediate effect – Develop the tech refresh programme for Members
- From mid-July – Reinstate the Overview and Scrutiny Committee and Planning Regulatory Board full memberships
- From late-July – Reinstate REMOTE meetings of Full Council
- From August onwards – reinstate work with Member Development Working Party around appropriate devices for elected members
- From October onwards – (subject to social distancing and other guidance) reinstate physical or hybrid virtual/physical meetings for all committees

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1. Awaiting the cessation of lockdown measures would have greatly affected the continuation of Council business and decision making.
- 5.2. An alternative approach could be taken whereby software only is deployed to members' existing devices. While this is a valid option it carries additional risks due to the age and specification of the Microsoft Surface Pro devices in question which are at the end of their useful life.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1. The Council's live streaming of meetings has been well received. Meetings are published by BMBC Comms and viewing figures have been significantly greater than those for pre-lockdown council meetings.

7. FINANCIAL IMPLICATIONS

- 7.1. There may be a small increase in charges from the webcast partner (as we are contracted for a certain number of webcasted hours which may increase) but this is currently under consideration by all parties.
- 7.2. Additional Bomgar licenses for Digital Champions will allow more effective support by giving the ability to 'shadow' members devices remotely and assist live. The total cost of 2 of these licenses is £4,500 per annum.

8. EMPLOYEE IMPLICATIONS

8.1. Like members of the public, employees can view proceedings of council meetings.

9. LEGAL IMPLICATIONS

9.1. There is an acknowledged small risk of legal implication as Members do not operate under any form of privilege akin to parliamentary privilege. To mitigate this risk members are reminded at the start of the meeting that the meeting is being webcast and live streamed for public consumption.

10. CUSTOMER AND DIGITAL IMPLICATIONS

10.1. Implicit within this report.

11. COMMUNICATIONS IMPLICATIONS

11.1. Implicit within this report.

12. CONSULTATIONS

12.1. None.

13. LIST OF APPENDICES

Appendix A: Remote Meetings Procedure Rules for Barnsley MBC and South Yorkshire Joint Authority Meetings

14. BACKGROUND PAPERS

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Martin McCarthy, Service Director Governance, Member Services and Business Support

Appendix A

REMOTE MEETINGS PROCEDURE RULES AND FOR BARNSELY MBC AND SOUTH YORKSHIRE JOINT AUTHORITY MEETINGS

1. INTRODUCTION

- (i) These procedure rules regard the conduct of remote / virtual (“remote”) meetings of Barnsley MBC and the South Yorkshire Joint Authorities administered by Barnsley MBC, under Section 78 of the provisions for Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Coronavirus Act 2020”)
- (ii) All the principles and necessities of good governance, as contained within the Local Government Act 1972 and other appropriate Acts will continue to be observed but will be delivered where appropriate through the flexibilities of virtual mitigation afforded by the Coronavirus Act 2020.
- (iii) Unless an explicit mitigation is in place to facilitate meeting remotely, all existing meetings’ rules, procedures and codes of conduct remain in place and should be observed.

2. NOTICE OF MEETINGS AND ACCESS TO INFORMATION

- (i) The BMBC Council Governance Unit and Joint Authorities Governance Unit (“CGU/JAGU”) shall give five clear working days’ notice to the public of the time of the remote meeting, and the associated agenda papers, together with details of how to observe the meeting remotely online via either the BMBC or South Yorkshire Joint Authorities’ websites.
- (ii) Members of the respective committees shall be notified of a remote meeting by email and all agenda papers will be made available via electronic means at least five clear working days before the meeting. Notice will be given of the electronic platform the remote meeting will be held on (Microsoft Teams). It will also identify how to ‘join the meeting’.
- (iii) The ‘place’ at which the meeting is held will be recorded as ‘virtual’, to be interpreted as more than one place.
- (iv) Documents remain ‘open to inspection’ and shall be published on the Authority’s websites.

3. MEMBERS IN REMOTE ATTENDANCE

- (i) Members will receive an invite to attend a remote meeting by the CGU/JAGU or another officer of the Authority.
- (ii) A Member in remote attendance is present and included in the meeting’s quorum, providing the Member can hear, and so be heard, and where practical,

see the other Members and any members of the public in attendance who are there to exercise a right (on invitation) to speak.

- (iii) If a Member loses access to the meeting, the Chair may adjourn the meeting for a reasonable short period to permit connection to be re-established. If a remote Member(s) is able to successfully re-join the meeting, for example a connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- (iv) The attendance of Members at the meeting will be recorded by the Secretary.

4. MEMBERSHIP

- (i) For the purposes of managing any logistical limitations, the size of the membership of any Committee or Board ("Committee") may be reduced (under a delegation decision of the Executive following appropriate consultation) for a determined period, with a review date for that decision to be identified at the time of implementation.
- (ii) A proportionate number of Members may be furloughed. However, the overall political composition of the membership will be maintained.
- (iii) A furloughed Member will continue to have access to all agenda papers in the interests of maintaining cognisance of pertinent matters but will not be required to attend meetings.
- (iv) For the purposes of maintaining a quorum, the required number of Members present will be proportionally reduced to reflect the reduction in size of the Committee. This is usually one third of the voting membership.

5. PUBLIC ACCESS TO MEETINGS

- (i) Meetings that are 'open to the public' will be live streamed via the Barnsley MBC and South Yorkshire websites.
- (ii) If the Chair of the meeting is made aware that the meeting is not accessible to the public through remote means, due to a failure of technical provision, then the Chair shall adjourn the meeting immediately whilst the remote means of access is restored. If remote access cannot be restored, then remaining business will be considered at a time and date arranged by the Chair or next ordinary meeting. If required, as prescribed by the BMBC Constitution: Responsibility for Executive Functions Officer Delegations (and under similar delegations contained within the Constitutions of the Joint Authorities), the Chief Executive and Executive Directors respectively may determine to take or authorise any action on any matter which they consider cannot await a formal Cabinet meeting provided that such actions shall be reported for information to the next available meeting.
- (iii) Public access to the meeting by remote means, is different from the 'public attending to exercise a right (on invitation) to speak'. Provision for the public

speaking at a meeting (i.e. as may be expected at Planning Regulatory Board) is addressed in section 8 below.

- (iv) Remote meetings will be made available to the public via the Authority's webcasting platform with meetings streamed via the <https://barnsley.public-i.tv/core/portal/home> (Barnsley MBC) and <https://southyorks.public-i.tv/core/portal/home> (South Yorkshire Joint Authorities)
- (v) The 'public access link' will be created and set up as soon as practicable alongside the details of the remote meeting on the appropriate pages of the Authority's website.

6. REMOTE ATTENDANCE AT MEETINGS (PARTICIPATION) BY MEMBERS OF THE PUBLIC

- (i) A member of the public entitled to attend the meeting in order to exercise a right (or invitation) to speak at the meeting is in remote attendance providing the member of the public can hear, and so be heard, and where practical, see the Members and any members of the public in attendance to exercise a right to speak.
- (ii) If a member of the public has given previous required notice to attend remotely in order to exercise a right (or invitation) to speak and has not remotely accessed or joined the meeting by the start of the relevant item or specified time, and has made no attempt beforehand to contact the Secretary, then the Chair in such circumstances will consider as deemed reasonably appropriate, whether to proceed without them or defer the relevant item of business.
- (iii) The Secretary will be able to mute the member of the public once they have spoken, and if required remove them from the remote meeting on the instruction of the Chair, in order to maintain the good governance of the meeting or to retain order.
- (iv) Members of the public may submit written representation in lieu of exercising a right to speak which will be presented by the Secretary.

7. REMOTE MEETING PROCEDURES

- (i) A technological platform to facilitate and enable Members, the public and other interested parties to participate and access meetings will be put in place.
- (ii) The Chair will apply the procedure rules set out in the Constitution and the Remote Meeting Protocol. Accordingly, the Chair's ruling following any advice received from officers will be final.
- (iii) Members and all attendees shall adhere to the required etiquette during attendance at remote meetings (Appendix – Etiquette Guidance).

8. REMOTE VOTING

- (i) When the Chair of a remote meeting is satisfied that there has been sufficient debate, and if the standing rules of the meeting require, the Chair will progress to making a decision. Unless a recorded vote is demanded, the Chair will take the vote:
 - i. by the affirmation of the meeting if there is no dissent, or
 - ii. by the Secretary undertaking a roll-call, recording, confirming and reading out the result of the vote.

9. DECLARATIONS OF INTEREST – MEMBERS EXCLUDED FROM THE MEETING

- (i) Where a Member is participating in a remote meeting and declares a disclosable pecuniary interest or personal and prejudicial interest, in any item of business they are required to leave the meeting by means of their remote severance from the meeting.
- (ii) A Member's departure will be confirmed by the Secretary if required and the Member will be invited to re-join the meeting at the appropriate time.

10. EXCLUSION OF THE PRESS AND PUBLIC AT REMOTE MEETINGS

- (i) The Secretary shall ensure and confirm that there are no members of the public in remote attendance or remotely accessing the meeting to hear or see the proceedings after a resolution has been taken by members of the meeting in public to exclude the press and public so that confidential, or 'exempt' business (as defined in Schedule 12A (as amended) of the Local Government Act 1972) can be considered.
- (ii) Members in remote attendance must declare if there are persons present who are not entitled to be so. Any Member in remote attendance who fails to disclose that there were in fact persons present who were not so entitled, could be in breach of the Members' Code of Conduct.

REMOTE MEETING PROTOCOL – ETIQUETTE GUIDANCE

1. INTRODUCTION

- (i) The expectations of etiquette and courtesy observed at non-remote meetings are equally expected at remote meetings and thus are not reiterated within this guidance.
- (ii) The following information concerns solely what virtual mitigations are required to ensure business may be transacted in a manner befitting the Authority's usual standards of good governance.
- (iii) Comprehensive support for Members is being provided by the Authority's Digital Champions.

2. PRIOR TO THE MEETING

- (i) Members should try to join the meeting promptly no later than ten minutes before the start to allow themselves and the Secretary to test equipment, confirm attendance and to avoid any unnecessary interruptions.
- (ii) Attendance protocols for members of the public will accord with those in place for non-remote meetings. i.e. the public will be held outside the meeting until invited to enter or may be permitted to be present from the outset dependent on the regimes in place for each committee.
- (iii) Any visual feed should show an appropriate or neutral background and care should be taken to ensure exempt or confidential papers or other personal artefacts such as large family photographs cannot be seen.

3. DURING THE MEETING

- (i) The Chair at the start of the meeting will introduce themselves and welcome everyone to the meeting (naming it). The chair will remind / confirm the remote meeting is live to the public through an audio web link (or not if applicable). They should also confirm that the meeting is being recorded for administrative purposes only, update the meeting on any matter if so required and remind participants of any etiquette requirements.
- (ii) Members participating in remote meetings will be asked by the Chair to have their microphones MUTED by the start of the meeting.
- (iii) All Members, officers and participants are to speak only when invited to do so by the Chair.
- (iv) In the interests of ensuring good conduct and minimising inappropriate behaviour, the Chair (or Secretary acting under the Chair's direction) may adopt further measures including:
 - i. requesting that only one person may speak at any one time
 - ii. muting some or all the microphones of the attendees

- iii. requesting Members use the Microsoft Teams 'chat' facility to indicate a request to speak
 - iv. removing an attendee from the meeting
 - v. pausing (adjourning) the meeting by taking down the live stream from 'public access' and then reconvening and resuming the live stream
- (v) PLEASE NOTE, the chat facility must not be used for private conversations between any participants as these can be viewed by all participants.
- (vi) The Chair will follow existing procedure rules in determining who may speak, as well as the order and priority.