

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**COVID-19: MEETING ARRANGEMENTS TILL 31 JULY 2020**

**REPORT BY GOVERNANCE MANAGER**

**A. PURPOSE OF REPORT**

To agree a timetable of meetings till 31 July 2020 for bodies in the Scheme of Administration

**B. RECOMMENDATIONS**

1. To agree the meeting arrangements till 31 July 2020, as set out in D.3, with meetings to take place by remote access
2. To agree that a timetable of meetings for the period from 1 August 2020 till 31 July 2021 should be brought to the next available meeting of Council Executive

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; making the best use of our resources
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Local Government in Scotland Act 2003; Coronavirus (Scotland) Act 2020; Standing Orders for the Regulation of Meetings; Scheme of Administration
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	N/a
<b>V Relevance to Single Outcome Agreement</b>	N/a
<b>VI Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	Legal Services; Committee Services; relevant committee chairs

## **D. TERMS OF REPORT**

### **1 Background**

1.1 On 24 March 2020 a decision was made in relation to council, committee and Policy Development & Scrutiny Panel (PDSP) meetings, as follows:-

1. In light of the rapidly escalating threat posed by COVID-19 and the constantly evolving legislation, guidance and direction from UK and Scottish Parliaments and Governments, to agree that meetings of all the bodies in the Scheme of Administration scheduled to take place between today's date and 31 July 2020 be cancelled
2. To note the powers already delegated to officers to allow the council's business to continue, as described in Part D.4 of this report
3. To delegate authority to the Chief Solicitor to determine all pending and new licensing and other applications that would normally require to be determined by Licensing Committee
4. To agree that hearings required by the exercise of the statutory right of appeal against refusal of placing requests be deferred until at least August 2020
5. To note that officers are investigating the potential acquisition of a platform that may be utilised in exceptional circumstances for remote access by members to meetings

1.2 The decision was taken through the use of delegated powers in Standing Order 31. The report through which that was effected is reported for information elsewhere on the agenda as is required by that Standing Order.

1.3 Circumstances have changed since then in relation to the coronavirus risks and in relation to legislation and guidance concerning leaving home, gathering in public, the operation of business and other premises and the conduct of council and committee meetings. Officers have also procured and have installed and tested a system to allow meetings to take place by remote access. The Chair has therefore called a special meeting of Council Executive under Standing Order 5 with a view to resuming meetings again.

### **2 Remote access meetings**

2.1 Scottish legislation has allowed for remote access participation in council, committee and sub-committee meetings since 2003. "Participation" covers all the familiar parts of a meeting, including voting. A member of the body concerned who is participating by remote access is counted as being present. The Chair of the meeting must consent to remote participation. That consent can be given before the meeting takes place.

2.2 The enabling legislation was passed at a time when it was envisaged that physical attendance at meetings would be the norm. Remote participation was anticipated in small numbers of exceptional cases, such as geographical distance or travel problems. It is an option that has never been used or felt to be required in West Lothian.

2.3 The legislation is worded in a way that allows for all participants to be present remotely. Modern conferencing platforms enable a meeting to be held without there being a physical "place" at all. In the current pandemic law and technology together provide the means by which meetings can take place without the risk of transmission or contagion.

- 2.4 Although not specifically written with remote participation in mind the council's Standing Orders allow meetings to be convened and conducted in this way.
- 2.5 One concern with remote access meetings is the issue of public access and attendance. The default position in law is that business should be done in public with items taken in private only where there is a valid legal reason to do so. Members of the public have a right not to be otherwise excluded. There are two factors which combine to overcome that problem. Firstly, emergency coronavirus legislation simply provides that members of the public may not be present at a meeting during the emergency period. Secondly, webcasting and recording the meeting can secure access to the meeting by simultaneous or later listening and/or viewing. That is a solution that will be taken forward in the longer-term, once there is confidence in the technology and members are familiar with its use.

### **3 The proposals**

- 3.1 It is recommended that a limited schedule of meetings is put in place for the period till 31 July 2020. The technology is new to members and officers and is untried in West Lothian. The available platforms are not specifically designed for council business. Dealing with things normal for councils, such as submitting motions and amendments, will be problematic. It is felt that arranging a restricted timetable initially will allow members and officers to become familiar and adept with the technology. There are also still additional strains on council resources as a result of tackling the pandemic and maintaining council services as far as practicable.

- 3.2 The proposed arrangements are as follows:-

- A further meeting of Council Executive before the summer break, on 23 June 2020 at 11 am, or as soon after Education Executive as possible
- A meeting of Education Executive for that same date, at 10 am
- One meeting of Development Management Committee, on 17 June 2020 at 10 am. A second meeting may be required to deal with the backlog of business timeously. Committee is asked to delegate authority to the Clerk to arrange that meeting on a date to be confirmed, in consultation with the Chair. Arrangements will be made to allow objectors and applicants as far as practicable the usual opportunity to participate remotely and speak
- One scheduled meeting of Licensing Committee, for 19 June 2020 at 9.30 am. Additional meetings may be needed to meet legal requirements and those can be arranged through existing powers in the Scheme of Administration. Arrangements will be made to have hearings take place as required by law with remote participation by the parties as well as members
- One meeting of each of Audit Committee and Governance & Risk Committee should be arranged. It is proposed to hold them consecutively on the afternoon of 22 June 2020. Governance & Risk Committee would meet first, at 2 pm, followed by Audit Committee

- 3.3 It is not proposed that PDSP meetings should start again until after the summer break. However, where an item of business would normally go to PDSP arrangements will be made for PDSP members and community organisation representatives to be consulted off-line with comments passed on to the committee. Neither is it proposed that the other bodies in the Scheme of Administration, including full council and Local Area Committees, should meet before the summer break.

- 3.4 Fixing dates for placing in schools appeals will be done at a later date. Emergency coronavirus legislation extended the normal statutory deadlines and hearings are expected to be required in August at the earliest.
- 3.5 A report will be brought to the next available Council Executive meeting to have a calendar of meetings agreed from 1 August 2020 till 31 July 2021.
- 3.6 A programme of testing, awareness-raising and education for officers and members has been put in place and will be extended to members as their attendance at meetings is required. Guidance and protocols have been written to try to help make remote access meetings a success. They will be circulated to members when the agenda and reports are made available.

## **E. CONCLUSION**

- 1 Agreeing a restricted calendar of meetings by remote access will allow meetings to resume in a measured way and will enable members, officers and members of the public to become more accustomed to the technology used.

## **F. BACKGROUND REFERENCES**

- 1 Council Executive, 24 March 2020 (decision under Standing Order 31)

Appendices/Attachments: None

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**Graham Hope, Chief Executive**

Date of meeting: 26 May 2020