

# Birmingham City Council

## Council Business Management Committee

05 May 2020



**Subject:** Covid 19 – Temporary Governance Arrangements  
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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

### 1 Executive Summary

- 1.1 To update the temporary governance arrangements during the Covid 19 outbreak, previously discussed by EMT on 17<sup>th</sup> March and agreed by Council Business Management Committee on 23 March.
- 1.2 The main change is in relation to the new regulations allowing remote meetings to be held. However, the Council must still give careful consideration as to whether it is appropriate for meetings (internal and external) to take place.
- 1.3 Initial efforts have focused on:
  - Cabinet (21st April)
  - Planning Committee (23rd April)
  - Health & Wellbeing Board (23<sup>rd</sup> April)
  - Extraordinary Full Council Meeting (28<sup>th</sup> April)
- 1.4 The technical solution is being fully tested, and members supported in this new way of working. As this work progresses, other meetings will be scheduled as required. However, with the focus of the council, members and officers, firmly on the emergency response, there is a need to focus on essential decision making.

### 2 Recommendations

- 2.1 To note the temporary governance arrangements during the Covid 19 outbreak.
- 2.2 For members to review the arrangements at monthly intervals or in light of changing Government guidance.

### **3 Background**

- 3.1 As the Covid 19 outbreak continues, movement and gatherings have been severely restricted since 23 March. In response the Government has made changes to how local authority meetings can be run (see *4. Legal Position* below). Following that, officers are working to facilitate remote attendance (see *5. Making Remote Meetings Work* below). The following sections set out the implications for meetings and decision-making.

### **4 Legal Position**

- 4.1 Since CBM last met, the Coronavirus Act has been published and enacted, including provision in relation to local authority meetings. Subsequently, the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 came into force on 4 April 2020 and remain in force until 7 May 2021.
- 4.2 The Regulations allow meetings to be held remotely using video or telephone conferencing or by other remote means. New legislation was needed because existing primary legislation required that meetings must be in person, requiring attendance of all the members at a place together. Through the implementation of the Regulations, any reference to being 'present' includes being present through remote attendance.
- 4.3 The Regulations also modify existing legislative requirements for local authority meetings in relation to access to the public and the press. The requirement for a meeting to be "held in public" now includes "open to the public", which can be via video conferencing, live webcast, and live interactive streaming.
- 4.4 The Regulations also remove the existing requirements for local authorities to hold annual (council) meeting.
- 4.5 These measures will help local authorities redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance.

### **5 Making Remote Meetings Work**

- 5.1 Officers in Committee Services and in IT&D have been exploring options for holding meetings remotely. The assessment was that Microsoft Teams would work best as it gives the following capability:
- Meets 100+ participants requirement (up to 250)
  - Allows audio and video (though use of video not currently recommended to reduce the load on internet connections);
  - Allows screen sharing;
  - Polling available via Forms;
  - Online chat window available;
  - Meetings can be recorded and subsequently uploaded;
  - Zero additional cost.

- 5.2 Public access (for observers) is via a web stream using Microsoft Teams Live Event, streamed via the Council's website (<http://civico.net/birmingham>).
- 5.3 Guidance has been prepared for Chairs, members and other attendees, incorporating best practice guides (e.g. from Lawyers in Local Government, Association of Democratic Services Officers and the LGA).
- 5.4 Officers in IT&D and Member Services have worked with members to check their technical ability to connect and to help members familiarise themselves with use of Teams.

## **6 Executive Decisions and Meetings**

### ***Cabinet***

- 6.1 It is intended to hold Cabinet meetings remotely, in accordance with the agreed schedule. As noted in the last report, all other aspects of the process remain the same.

### ***Cabinet Member and Officer Delegated Decisions***

- 6.2 No change is required to the process as Cabinet Members and officers can meet remotely.

### ***Cabinet Committees***

- 6.3 There are no scheduled meetings of Cabinet Committee Group Company Governance or Equal Pay Executive Committee.

## **7 Full Council**

### ***Annual Meeting***

- 7.1 The Regulations disapply provisions requiring local authorities to hold annual meetings. It was therefore agreed to defer the meeting scheduled for the 19 May 2020 and all the items on that agenda, including the appointment of the Lord Mayor, until a date prior to May 2021. That date is to be determined in line with advice in relation to Coronavirus.
- 7.2 The Regulations specify that any appointments due to be made at an Annual Meeting will continue until the next annual meeting of the authority or until such time as that authority may determine. At the Extraordinary Meeting of the Full Council on 28<sup>th</sup> April, members considered a proposal to give CBM the authority to vary appointments to council committees should an urgent need arise.

### ***Council Business Management Committee***

- 7.3 The next meeting of CBM is on 28 May, where members will agree a future set of dates.

## **8 Planning Committee**

- 8.1 Planning Committee meets every two weeks, primarily to determine planning applications, which have to be determined within statutory time scales to avoid risk of appeals against non-determination and reputational harm. It is not feasible to stop making planning decisions until after the pandemic as this will have a substantial adverse impact on the economy and will seriously harm the reputation of the Council.
- 8.2 The Planning Committee will hold remote meetings as required. At their meeting on 23<sup>rd</sup> April, members agreed a change to the code of practice to temporarily suspend the ability for public and ward member speaking at committee.

## **9 Licensing & Public Protection Committee**

- 9.1 The Licensing & Public Protection Committee is scheduled to meet in June.

### ***Licensing Sub-Committees***

- 9.2 The Council must determine licensing applications within a statutory timescale, failure to do so could lead to the applicant applying to the magistrate's court for determination. Some matters to be determined under the Licensing Act 2003 cannot be delegated to officers. Therefore, unless there is a change in legislation or national guidance, then some meetings must be held. Therefore, it is proposed that meetings are held remotely as necessary.

## **10 Overview & Scrutiny**

- 10.1 Scrutiny chairs have agreed that, in the short term, the presumption is that meetings will be suspended unless there is a compelling reason to hold one. Members will continue scrutiny through briefings; formal meetings will then follow as required, ensuring continued oversight of decision making with a tighter focus on those matters critical for local people.

## **11 Other Committees**

- 11.1 **Audit Committee** is next scheduled meeting is on 26<sup>th</sup> May.
- 11.2 **Trusts & Charities Committee** has no scheduled meetings.
- 11.3 No meetings are scheduled for the **Health and Wellbeing Board**, though an urgent meeting was held on 23 April.
- 11.4 **Education Appeals** – awaiting the publication of regulations, however it is likely remote meetings will commence in May.