

# Birmingham City Council

## Council Business Management Committee

08 February 2021



**Subject:** Remote meetings beyond 7 May 2021  
**Report of:** Suzanne Dodd, City Solicitor  
**Report author:** Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

### 1 Executive Summary

1.1 For members to consider next steps with regards to remote meetings.

### 2 Recommendations

2.1 The Leader and City Solicitor be asked to add their voices to the calls for the regulations to be extended, to allow physical, remote and hybrid meetings to continue (with provisions for this clearly set out in the Constitution).

### 3 Background

3.1 The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 came into force on 3 April 2020 and remain in force until 7 May 2021.

3.2 In summary, the Regulations allow meetings to be held remotely using video or telephone conferencing or by other remote means. Legislation was needed because existing primary legislation required that meetings must be in person, requiring attendance of all the members at a place together, which was not possible to do in compliance with government guidance on social distancing and restrictions on essential travel, when in force.

3.3 The provisions apply to all local authority meetings.

### 4 Options and Recommendations

4.1 When the regulations expire on 7 May 2021, all members must attend council meetings in person. A number of organisations and councils are lobbying the Government to extend the regulations, some asking for that to be done permanently.

- 4.2 For example, the Local Government Association<sup>1</sup> wrote to the Secretary of State setting out “the clear case for extending the ability for councils to hold meetings flexibly beyond May 2021 while we continue to manage the COVID-19 pandemic, and to make this a permanent power for councils to be able to utilise”. They ask legislation is extended to give “councils ... the power to determine if a meeting should take place in person or remotely, and the circumstances for that would need to be established transparently in a councils’ constitution, standing orders or policy”. The letter can be read [here](#).
- 4.3 The Secretary of State has since said that whilst accepting that the provision has been successful, he has no plans to extend the date as it requires primary legislation and there is no vehicle to do that in time for May. He added that whilst it is not possible at the moment, if there is an opportunity to make it more permanent, he will take it.<sup>2</sup>
- 4.4 Members are asked to consider their views, and whether the Leader and City Solicitor should be asked to add their voices to the calls for the regulations to be extended, to allow physical, remote and hybrid meetings (with provisions for this clearly set out in the Constitution), whether temporarily or permanently.
- 4.5 Factors include:
- Short term considerations – namely the likelihood of ending of social distancing by May and the impact on Council business and governance if not all members can attend Council meetings;<sup>3</sup>
  - Longer term considerations:
    - Allowing the council to continue operating in emergency situations;
    - Improved flexibility in how meetings are held could encourage a greater diversity of candidates to put themselves forward
    - The positive environmental impact of not travelling to meetings by car;
    - Provision could be helpful in situations where meetings bring in people from across a wider area (e.g. West Midlands wide meetings); and in allowing members to balance commitments.
- 4.6 A survey of members was undertaken in July 2020, in anticipation of a return to the Council House in September, to which 43 members responded as below:
- Would you like the option of hybrid/blended meetings (e.g. having both virtual attendees and attendees in person), giving you the option of how you wish to join the meeting?

*Yes 27   No 6   Unsure 3*

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<sup>1</sup> Along with the Association of Democratic Services Officers Lawyers in Local Government; the Centre for Governance and Scrutiny; the National Association of Local Councils and the Society for Innovation, Technology and Modernisation

<sup>2</sup> <https://www.adso.co.uk/remote-meetings-beyond-7-may-2021/>

<sup>3</sup> Ahead of lockdown last year, some work was done to assess use of the Council Chamber with social distancing, and it was estimated that less than 30 people could safely use the chamber (less than the quoracy for Full Council meetings).

- If the Council was able to hold hybrid Councils meetings (including for example Scrutiny, Planning and Licensing) from September 2020, how would you prefer to attend:

*In person 20*

*Virtually 16*

- If there was a legal provision to allow virtual meeting to continue beyond May 2021, would you prefer for these to allow the option to be both virtual and in person (rather than virtual only)?

*Yes 33 No 2*

*Unsure 2*

- Would you like to see the continuation of virtual meeting provisions for local authorities indefinitely i.e beyond May 2021?

*Yes 23 No 11*

*Unsure 3*