

Council

21 October 2021

Agenda Item 49

Brighton & Hove City Council

Subject:	Council and Committee Meetings – October 2021
Date of Meeting:	21 October 2021
Report of:	Chief Executive
Contact Officer: Name:	Abraham Ghebre-Ghiorghis Tel: 01273 291500
Email:	
Ward(s) affected:	All

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report updates Members on the Covid-19 risk assessment undertaking regarding arrangements for Council and Committee and proposes slightly revised arrangements subject to ongoing review

2. RECOMMENDATIONS:

- 2.1 That Members note the range of options set out in paragraph 3.7 of the report
- 2.2 Members agree to continue the current arrangements as set out in paragraph 3.1 with the modifications regarding the social distancing requirement as detailed in paragraph 3.7 A of the report.
- 2.3 Members agree that Committee pre-meets and Working Group meetings continue to be held virtually.
- 2.4 Members agree that full Council meetings are held within Council venues where reasonably practicable.
- 2.5 Members note that the position will be kept under review and any proposed changes reported to full Council unless the implementation of changes is needed urgently to comply with the Council's obligations under the Health & Safety at Work Act 1974.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 15 July, full Council agreed revised arrangements for Council and committee meetings. It resolved that the arrangements would include the following:
- (i) All members, co-optees and standing invitees appointed to Council Committee and Sub-Committee meetings will be invited to attend the meeting in person;

- (ii) Those members of the public seeking to attend or contribute at the Council's meetings will be able to attend in person if they wish, but will continue to be encouraged to do so remotely where possible;
- (iii) Attendance by the public (in the public gallery rather than those presenting questions, petitions and deputations) will be limited to a maximum of 6 on a first come first serve ticked arrangement;
- (iv) Officers presenting reports, other than the relevant Executive Director, Committee Lawyer and Decision-support Officer, will continue to do so remotely where possible;
- (v) All those attending Council or committee meetings will be required to wear masks;
- (vi) There shall be sufficient ventilation of the meeting venue to at least the standards in the current arrangements;
- (vii) An updated risk assessment will be prepared, following consultation with representatives from Health & Safety and Public Health and taking account of national guidance and local infection rates, to advise on mitigations for example, room layout and advice on face coverings;
- (viii) The Chief Executive will keep these arrangements under review regularly in consultation with Group Leaders and the Director of Public Health;
- (ix) Should further restrictions be necessary following the review or risk assessment mentioned above (such as a surge in the number of Covid cases) further precautionary measures may be introduced by the Chief Executive following consultation with Group Leaders.

3.2 Although there have been reservations among some Members, the above arrangements have been put in place with a high level of compliance. The social distancing requirement has been reduced from 2 metres to 1 metre in accordance with the corporate guidance.

Risk Assessment

- 3.2 An Officer Group with representatives from Public Health, Health & Safety, Premises, Legal and Democratic Services met and undertook a detailed assessment of the risk using the corporate template. A copy of the risk assessment with the proposed mitigating actions is attached (see Appendix 1)
- 3.3 The assessment took account of the legal position, the revised government guidance, the uncertainty regarding the trajectory of the pandemic, the practice in other authorities, the additional risk for authorities with a committee-based governance arrangement like Brighton & Hove and the need to protect members who may have underlying conditions.
- 3.4 The result of the assessment supports retaining the current mitigating actions, including the wearing of face covering, but only for the time being. The

social distancing requirement will be retained but reduced from 2 metres to 1 metre to accommodate the number of members attending but shielding screens will be provided between desks. It is proposed to review the position regularly and bring update reports to Leaders Group and, if there is a need for a change, report it to the next meeting of full Council.

- 3.5 Officers have attempted to check the practice in other local authorities. There was very poor response, but the practice ranges from those that impose the wearing of masks at all times to others requiring masks to be worn when not seated. There were usually other measures such as hand sanitation, lateral flow testing, restricting numbers of the public attending and restrictions on use of use of facilities, such as toilets.
- 3.6 The governance arrangements of local authorities are different. Those with executive systems have less need for meetings as decisions can be taken by individual executive Councillors. In Brighton & Hove, the combination of a committee system, no overall control and vibrant political culture and public participation means the risks are relatively higher.
- 3.7 The Council has a range of options in terms of Covid-19 safety measures. These include:

A. retaining the current mitigation measures with adjustment for social distancing from 2 to 1 metre in line with corporate guidance

This is the option recommended by the risk assessment. Although the mandatory legal requirements under the Coronavirus-related legislation have been lifted, there is still a requirement under the Health & Safety at Work Act to make sure that the Council takes all reasonable steps to ensure the health and safety of members, staff and the public that attend its meetings. This is the option recommended.

The risk assessment, in addition to the measures summarised in 3.1, repeats the current requirement by saying all attendees, including staff and elected Members, will continue to be encouraged to take a Lateral Flow test in advance of the meeting.

B. lifting the restrictions completely and leave it to Members to take whatever measures they personally feel is necessary

This leaves the responsibility on individuals and does not provide coherent and co-ordinated health safety measures to comply with the Council's legal obligations and protect public health. Officers are not aware of local authorities that have removed all restrictions.

C. Keep the current restrictions but change the requirement for wearing masks so that it does not apply when Members, Officers or the public are seated.

This approach is adopted by many local authorities we contacted. It does however carry an element of risk, especially when members are speaking. Although a similar policy exists regarding use of council offices, the context, the risk posed, and the numbers involved is different. It is therefore not recommended at this stage. But if there is a continued improvement in the pandemic, it may be something the Council could introduce in the future.

Venue for Full Council Meetings

- 3.8 Under the Council's constitution, the power to decide on the venue for meetings is delegated to the Chief Executive. But given the potential implications, there is a need to take members' views into account. The original plan was for the full Council meeting on 21st October and possibly subsequent ones to be held in a large enough venue, possibly outside the Council. Officers reviewed all the 26 potential venues, including Council and privately owned ones. Most of them were either not available or not suitable because of size or internet connection. The venue that was considered most suitable (Hilton Metropole) was assessed in detail. Although the venue was suitable, the combined cost of hiring the venue and the fee for the firm providing the webcasting and associated equipment was too high (a total around £6K.)
- 3.9 Given the cost implications, Officers reviewed the position and carried out an assessment to see if the full Council meetings could be accommodated at one of the Council's Town Halls:
- (a) **Brighton Town Hall** has a capacity for 50 attendees in the Council Chamber. With 54 Members and 4 Officers (Chief Executive, Monitoring Officer, Head of Democratic Services and a technician) we need space for potentially 58 attendees. However, there are usually some members not able to attend and there is the possibility of using part of the public gallery for seating some Members, but we will need to ensure that they are within range of the webcasting cameras when speaking. Brighton Town Hall has poor Wi-Fi and limited power points for charging laptops. We are looking if additional cables could be provided to improve access to electricity. This remains, for now, our venue of choice but we will continue looking for any better alternatives
 - (b) **Hover Town Hall** has a maximum capacity of 30 with 1 metre social distancing, so that is not an option using existing furniture. However, if we borrow different furniture from other Council venues, it may be possible to increase this number to 50 and also use part of the public gallery- which may mean limiting public attendance further to make room space for members. There is also difficulty in terms of webcasting coverage if members are seated in the public gallery upstairs.
 - (c) **Holding a hybrid meeting with in person Voting:** we were asked at Group Leaders' meeting to look at the possibility of some members attending in person in the chamber and others in nearby rooms and coming to the chamber in person to vote. This was based on the wording of the Local Government Act 1972 where attendance in person is expressly

mentioned in connection with voting but not expressly with attending the meeting generally.

This issue was considered by the High Court in the case of Hertfordshire County Council and Others V. the Secretary of State for Housing, Communities and Local Government . The court concluded:

“in this particular statutory context, a “meeting” must take place at a single, specified geographical location; “attending” such a meeting involves physically going to it; and being “present” at such a meeting involves physical presence at the location.”

The court applied this approach to attending the meeting as a whole and did not limit it to voting. The court also applied this approach to allowing the public to attend the meeting, i.e the public have to be allowed to attend the meeting in person subject to the power to limit the numbers.

Given the above, all local authorities (with the possible exception of one that we are checking) have returned to attendance in person only for all Council, committee and cabinet meetings. It is therefore not recommended that full Council meetings take place using the hybrid model.

- 3.10 The issue of hybrid meetings for reasons of capacity is an issue only in relation to full Council meetings. All Committee, sub-committee and working group meetings can be accommodated safely with full attendance at Hove Town Hall.

Working Groups and Committee Pre-meets

- 3.11 Given the continued uncertainty and risk, it is proposed that all Working Groups and Committee pre-meets take place virtually. Returning these meetings to in person meetings will mean some 32 Working Groups and 10 or so committee pre-meets (times the number of meetings per year) taking place in a year which would bring an unmanageable levels of risk.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.11 There has been no consultation with the public.

6. CONCLUSION

- 6.1 Although officers approaching this with a view to enabling attendance in person where possible, the additional precautionary measure will need to continue to apply until we are in a better position regarding the risk of spread of infection.
- 6.2 In relation to meetings of full Council, we will continue to explore the options of Hove Town Hall (first preference) or Brighton Town Hall (second preference) if the numbers and the IT technology could be made to work.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no significant financial implications arising from this report. Where costs may be incurred to make internal venues suitable for meetings, for example some IT or cabling costs, these are not likely to be major and would be anticipated to be met within existing budgets

Finance Officer Consulted: Name: Peter Francis

Date: 12/10/2021

Legal Implications:

- 7.2 Although the restrictions introduced by legislation under the Coronavirus Act 2020 have been lifted, there is still a requirement under the Health & Safety at Work Act 1974 and the common law duty of care for the Council to take the measures necessary to protect the health and safety of Members, staff and members of the public that attend its meetings. The measures set out in this report will help the Council in discharging those legal obligations.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 12/10/2021

Equalities Implications:

- 7.3 The proposed measures allow for reasonable adjustments to accommodate the needs of people with disabilities or other protected characteristics and will be kept under review to ensure compliance with equalities law.

Sustainability Implications:

- 7.4 The proposed measures support the Council's sustainability objectives by not requiring staff (other than the core officers) to attend meetings in person. The public will also be encouraged to attend remotely and all working groups will meet virtually. This will reduce the need for travel and therefore carbon emissions.

Brexit Implications:

- 7.5 None

Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

Appendices:

1. Risk Assessment

Background Documents

None

