
NORTH AYRSHIRE COUNCIL

5 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title:	Committee Meetings
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Purpose:	To make recommendations to allow the resumption of committee meetings during the current COVID-19 crisis.
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Recommendation:	<p>That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that:</p> <ul style="list-style-type: none">(a) a small number of committee meetings, as referred to within the report, take place on a wholly remote basis (i) prior to the summer recess and (ii) immediately following the recess period, such meetings to be recorded for upload onto the Council's website;(b) it be remitted to officers to make such further adjustments to the committee timetable immediately following the summer recess period as may be required in light of (a)(ii) above;(c) it be remitted to officers to make appropriate arrangements to support Members and Officers to participate remotely in meetings, including such measures as providing hard-copy Agendas packs to participants, training/test meetings, remote meeting protocols and guidance notes for Chairs; and(d) necessary changes to the Council's Standing Orders Relating to Proceedings of the Council and Committees to accommodate remote/hybrid meetings, be the subject of a separate report.
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1. Executive Summary

- 1.1 Meetings of the Council and its committees are currently suspended in light of the current COVID-19 crisis. Urgent matters are being determined by the Chief Executive under emergency governance arrangements.
- 1.2 This report sets out proposals for resuming meetings, initially on a wholly remote basis in compliance with Government Guidance and, in due course, in 'hybrid' form (with some participants attending remotely and others in person). A separate report has been prepared to address associated amendments to Standing Orders.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report

The Potential for Resuming Committee Meetings

- 2.2 It is apparent from the Scottish Government's COVID-19 – Framework for Decision Making published on 20 May 2020, that regardless of whether physical Committee meetings are categorised as public gatherings or work, there will be continuing restrictions. The Guidance requires people to work from home where possible, and this means that wherever possible, committees must be remote. Not until the final Phase 4 will Public services be operating fully, and then only “in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate”. At Phase 4 hybrid meetings, where some councillors attend in person, and other remotely, will be possible. It is also recognised that a number of Members may be either shielding or self-isolating and will be unable or unwilling to attend physical meetings, even if a 2m distance can be put in place between participants.
- 2.3 Officers have, therefore, examined options to allow the resumption of some committee meetings initially on a wholly remote basis and, when feasible, on a ‘hybrid’ meeting basis (with some attendees in the Council Chambers and others participating remotely). The provisions of the Coronavirus (Scotland) Act 2020 allow such meetings to take place without the opportunity for attendance by the press and public (Section 4.4 refers).
- 2.4 Meetings which are likely to present particular challenges are those with a significant number of participants, those with external representation, those dealing with controversial matters which require exceptional chairing skills in a remote environment, and hearings where the rules of natural justice apply.
- 2.5 This report seeks to take a number of factors into account, including the need for:
- all Members to be able to access the solution;
 - the IT to be robust and for Members to be confident in using it;
 - all participating Members to be clear on the procedures being applied, especially when Standing Orders may not provide such clarity;
 - any external representatives, such as other community planning partners or Cabinet lay representatives, to be able to access the same technology;
 - the solution to take into account that remote meetings are difficult enough where there is a willingness amongst all parties to make this work and such goodwill cannot be guaranteed, for example, where an issue is politically contentious;
 - the Chair to be able to effectively control the meeting and seek governance advice from the officers who would normally sit next to them; and
 - transparency in terms of publishing recordings of remote meetings in the short term and working to resume live webcasting of those committees which are usually webcast
- 2.6 In considering options, one size may not fit all and it will be important to strike a balance.

It may be possible for some committees to meet remotely in a form which is imperfect (for instance, covering only limited business and without public access to observe), but which allows decision-making by Members on matters which are pressing. However, it will be important to avoid exposing particularly controversial matters (or business subject to appeal/review) to a committee process which might be open to reasonable challenge, or Elected Members to a remote meetings vehicle which disenfranchises some due to its shortcomings or because it is not user-friendly.

- 2.7 Hearings could be heard by accepting written submissions from the parties involved. Nevertheless, Committee hearings, whether by written submissions lodged in advance, or parties in attendance remotely, have the greatest risk of challenge. Therefore, it is best that hearings are only undertaken as part of a later phase when it clear that everyone is confident with remote meetings. Nor is the technological solution to enable oral hearings to take place yet ready. Likewise, it may be possible to conduct Local Review Body meetings, founding on the exclusion of the public provision contained in the Coronavirus (Scotland) Act, where the LRB can determine the case without further procedure, but it is nonetheless recommended that LRB meetings do not take place initially due to issues of transparency given that there is an Appeal provision on a point of law to the Court of Session. This will be kept under review.
- 2.8 This report recommends a phased approach to allow for the early resumption of some committees through remote access. Such arrangements will in due course support remote access to hybrid meetings. A separate report has been prepared to address associated amendments to Standing Orders.

Technical Options for Remote Meetings

- 2.9 Further information on the options examined and their associated benefits/issues is available as a background paper. However, the key elements are highlighted below:

Microsoft Teams

- 2.10 Microsoft Teams is perhaps the most obvious remote meetings solution for the Council in the short term, given that Elected Members and Officers are already using Teams for a variety of informal/formal meetings and the necessary software should already be on devices.
- 2.11 Among the advantages of Teams, is the security of the system (Teams being a part of the Office 365 licensing which is PSN approved); ease of use; good visibility in terms of those participating in the meeting; and the opportunity for Officers to share their screen when presenting information. Recent improvements, including the ability to see up to nine participants on screen at any time and the new 'hand up' symbol, also add value.
- 2.12 In addition, a Teams meeting is capable of being recorded and uploaded later to the Council's website if required. (There may also be the option in future to live screen a Teams meeting).

- 2.13 On balance, Teams would almost certainly not be appropriate for a meeting involving all Members, one with a long Agenda, or a meeting incorporating an adversarial hearing. However, it does arguably offer an acceptable solution in the interim for a remote meeting of a small committee with a limited Agenda. A number of other Councils have successfully used Teams in this manner.
- 2.14 In the longer term, Teams could feasibly be used for a hybrid meeting, where some participants (and perhaps even a small public gallery) attend in person in the Chambers and others appear on screen via Teams.

Public-i Connect Remote

- 2.15 The Council's webcasting provider has a new video-conferencing platform designed to meet the particular needs of a formal Council meeting held on a wholly remote basis. For instance, it provides tools for a moderator to manage those wishing to speak and, in a future release, will allow them to start a vote and exclude a participant from some or all of the meeting (e.g. following a declaration of interest). No additional hardware is required for this solution: participants join using a web-based browser and the system itself is similar to Teams in terms of ease of use.
- 2.16 The company is taking a phased approach to the new platform, initially releasing a 'minimum viable product' and then introducing improvements. Participation in beta testing during April highlighted the potential of the new product, particularly in terms of live webcasting, and a number of issues to be addressed. Additional functionality is currently being added (e.g. multiple moderators to allow a Chair to be supported by other officers, queue management, and the option to take and record votes). The platform was originally developed for laptop/desktop use, but it is now compatible with iPads (which are used by a number of Members).
- 2.17 By the end of the Summer, the company is planning to tighten integration with the webcasting hardware located in its clients' buildings. This is in anticipation of ongoing social distancing where hybrid meetings (part remote and part physical attendance) are taking place and where the option to webcast live is needed.
- 2.18 On balance, the speed of Public-i's response to the current challenge has been impressive. The added features of the new platform may not be sufficient to justify its use over Microsoft Teams in the immediate term. However, it is anticipated that it will be further refined and improved in time to meet the longer-term demand for hybrid meetings and/or live webcasting of meetings. This developing Public-i system is likely to be the best means of resuming meetings of Council involving all 33 Members.

Practical Considerations

- 2.19 The following practical matters will require to be addressed:

Members' Devices

- 2.20 Elected Members have at least one Council device (a laptop/Surface Pro, iPad, iPhone or Android Tablet) which they might use to access a remote meeting (albeit the functionality of iPads/iPhones is less than adequate for chairing meetings on Teams where extensive use is made of the chat box and presentation slides). The Council's IT Service confirms that all are already capable of running Microsoft Teams, although some support may be required to assist Members in downloading the app.
- 2.21 The Public-i option requires the use of specific browsers (Chrome or Edge Chromium). The Council's IT Service confirms that all Member laptops/Surface Pros already have Chrome and that Edge Chromium is being 'pushed out' to iPad/iPhone users. Some support may be required to assist Members in installing the latter if they have not followed the initial prompt.

Member Training

- 2.22 Some Elected Members will be more comfortable than others with technology and some will require additional support to be able to engage with remote committee meetings, particularly in terms of the ensuring their device has the appropriate browser/app installed.
- 2.23 The majority of Elected Members do appear to be using Microsoft Teams already. The Council's IT Service has been responding to Member requests for training sessions on Microsoft Teams for laptop/Surface Pro users and is now following up with training for iPad users. It is proposed that 'test' meeting take place prior to any remote meeting of a particular committee.
- 2.24 In the event of the Public-i product being used, additional training and 'test meetings' are likely to be required and would need to be resourced.
- 2.25 Officers will prepare a protocol to provide guidance to Members and Officers on participating in remote committee meetings, as well as guidance notes for Chairs.

Agendas and Meeting Papers

- 2.26 There are practical difficulties involved in participating in a remote meeting and at the same time referring to an Agenda. Unless a participant has access to two devices and is able to view committee papers on one device while accessing the meeting itself on another, it is necessary to toggle between the two views. For meetings of the Planning Committee (and Local Review Body), the officer's presentation slides form an additional and necessary element.
- 2.27 Managing the above is particularly onerous for a Chair, who must in addition manage the meeting, and for the committee clerk, who is likely to be taking notes electronically without the benefit of viewing much of the proceedings or the Agenda.

- 2.28 Hard-copy Agendas may assist. The Council has established a strong culture of electronic Agendas and meeting papers where at all possible, both for reasons of environmental sustainability and financial cost. And Members and officers will undoubtedly become adept at remote committee meetings moving forward. However, in the short term it is proposed that hard-copy Agendas are issued to participating committee members (in addition to the usual publication of the electronic Agenda). Keeping Agendas short will also assist, as will asking Members to submit any questions or motions in advance of the meeting.
- 2.29 Assigning a second committee clerk (or another officer) to assist the Chair with the management of the remote meeting will also help address the administrative issues. An IT representative is also recommended in respect of technical issues. Case study experience in another Council suggests that, for every one member of staff required for a physical meeting, four are needed for a remote format.

Participation by Partner Agencies

- 2.30 Depending upon the meeting, there is potential for partner agencies to be involved. There have been some issues around access to Microsoft Teams by some. However, this appears to be being addressed over time and may not be an issue for the Public-i product which is accessed via internet browser.

Attendance by Members

- 2.31 Concern may be expressed if all Members are not able to exercise their usual right to attend a committee meeting for the purposes of observing because that meeting was taking place remotely. In practice, however, there is relatively low take-up of this opportunity in normal circumstances. If a Member not on the Committee wished to speak, then normally the Chair would agree this in advance. In that event it would then be possible to include the Member in the Teams invite.

Practice in other Local Authority Areas

- 2.32 The majority of Scottish local authorities have now held, or have plans to hold, a remote committee meeting, but none are doing hybrid meetings. For reasons of geography, some are already experienced in remote access to meetings. Some may have a uniformity in terms of the IT equipment issued to Members, which lends itself to the roll out of remote meeting solutions and training.
- 2.33 The success/effectiveness of other Councils' approaches to remote meetings has helped to inform this report and further information is available for information as a background paper. Officers are also participating in a webinar arranged by Perth and Kinross Council with the Local Government Digital Office.

Webcasting/Recording Meetings

- 2.34 A letter dated 29 May 2020 jointly signed by the Minister of Local Government, Housing and Planning and the Chief Planner, stated:

“Over the last few weeks, we have been pleased to see experience emerging from a number of planning authorities in conducting their planning committee and local review body business through online, virtual meetings using video conferencing technology. We encourage planning authorities to continue to hold their committee meetings in this manner while current restrictions remain in place. Some of the recent legislative changes have included the necessary and temporary removal of physical public attendance from committee meetings. To ensure maximum transparency and accountability, authorities should aim to broadcast meetings, either live or in recorded form as soon as possible afterwards, for members of the public to have access to observe proceedings.”

- 2.35 The Council would normally only webcast Council, Cabinet and IJB meetings. However, in the interests of transparency while meetings are not otherwise open to the public, it is recommended that meetings held remotely are recorded and subsequently uploaded onto the Council's website. Options for the resumption of normal live webcasting will be explored later.

Potential Committee Business

- 2.36 Assuming that the legal, technical and practical considerations have been addressed, consideration needs to be given to the committee business to be considered at a remote meeting. There are a number of considerations. Bearing in mind that remote meetings work best when there is a willingness among all participating to make them work, it would be best to avoid controversial items at the initial stage. It was also best to avoid hearings involving external parties which might be subject to legal challenge, such as the Local Review Body. In due course, once participants get greater experience of remote meetings, such matters can be tackled. For example, in the case of Planning business, major applications which accord with the Local Development Plan and are not the subject of significant objections would be obvious items for inclusion in initial meetings.
- 2.37 Consultation has taken place with Services with regard to potential business for the first phase in the resumption of committee meetings. There is business for – and capacity to resource – an initial meeting of the Planning Committee, Cabinet and Integration Joint Board Performance and Audit Committee in an initial phase prior to the summer recess. In addition, there may be business which requires early consideration by the Ayrshire Regional Economic Joint Committee/Partnership Board, which are currently administered by East Ayrshire Council. A meeting of the Audit and Scrutiny Committee may also be required immediately following the recess.
- 2.38 A meeting of the Integration Joint Board shortly prior to the implementation of 'lockdown' was able to agree emergency governance measures and there is nothing further requiring determination by the Board itself at this time. Similarly, there is no urgent business for the Licensing Committee, Licensing Board, Ayrshire Shared Services Committee, Education Appeals Committee, Local Development Plan Committee, Police and Fire and Rescue Committee, or Staffing and Recruitment Committee.

Phased Resumption of Committees

- 2.39 The approach to resuming committee meetings – and the timing of any ‘hybrid’ meetings - will necessarily be influenced by the available technology and government measures to address the pandemic. In terms of the Scottish Government’s ‘Framework for Decision making - Routemap through and Out of the Crisis’ published in May 2020, wherever possible people should work from home until Phase 4. Only at Phase 4 are “public services operating fully, in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate”. Therefore, hybrid committees should be avoided until Phase 4 of the Government’s Framework. Broadly, however, the undernoted phased approach might be possible. (The phases will be informed by but are not the same as those of the Government Framework)

Initial Phase (Wholly Remote)

- 2.40 This would comprise the introduction of a small number of wholly remote meetings held via Microsoft Teams, for consideration of limited and uncontroversial business, coupled with the continued exercise of emergency delegated powers as required.
- 2.41 Remote Special Meetings of the Planning Committee, Cabinet, IJB PAC and (subject to consultation with the East Ayrshire Council as the administering authority) the Ayrshire Regional Economic Joint Committee/Partnership Board are proposed for the final fortnight of June 2020.
- 2.42 Notice of the meetings would be published on the Council’s website as along with the Agenda and, following the meetings, the Minute. The initial position would be that meetings would not be webcast live, but a recording would be uploaded onto the Council’s website after the event. This would provide transparency and an opportunity for Members to become accustomed to remote meetings.

Second Phase (Wholly Remote)

- 2.43 The next phase would also be wholly remote and likely held using Microsoft Teams. A further meeting of the Planning Committee could potentially sweep up more outstanding business. Whether this was dealt with in one meeting or more would be informed by the success or otherwise of the initial Planning meeting in June. Such meetings could take place immediately following the Summer recess period, in the last two weeks in August.
- 2.44 Phase two could also include a meeting of the Audit and Scrutiny Committee to deal with the business which requires to be considered prior to the end of August 2020, as well as any call-ins from Cabinet.

Third Phase

- 2.45 The third phase would look to re-start meetings of Council, the remaining committees, including trickier ones such as the Local Review Body. In addition and depending upon when Scotland moves into Phase 4 in terms of government advice, this might include some ‘hybrid’ meetings, with a controlled number of Members and Officers in physical attendance within the Council Chambers and others participating remotely. Some limited public access might be permitted.
- 2.46 Meetings would make use of Public-i software. Webcasting of the meeting would be possible for those meetings generally webcast.

- 2.47 A partial or whole meeting of the Council could be considered at this stage. Meetings with more controversial agenda items or regulatory hearings could also be considered if the technological solutions enabled full Member/appropriate public participation to meet the “fair hearing” requirements.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited to agree on behalf of the Council that:
- (a) a small number of committee meetings, as referred to within the report, take place on a wholly remote basis (i) prior to the summer recess and (ii) immediately following the recess period, such meetings to be recorded for upload onto the Council’s website;
 - (b) it be remitted to officers to make such further adjustments to the committee timetable immediately following the summer recess period as may be required in light of (a)(ii) above;
 - (c) it be remitted to officers to make appropriate arrangements to support Members and Officers to participate remotely in meetings, including such measures as providing hard-copy Agendas packs to participants, training/test meetings, remote meeting protocols and guidance notes for Chairs; and
 - (d) necessary changes to the Council’s Standing Orders Relating to Proceedings of the Council and Committees to accommodate remote/hybrid meetings, be the subject of a separate report.

4. Implications/Socio-economic Duty

Financial

- 4.1 There will be some additional printing costs associated with producing hard-copy Agendas to facilitate remote meetings, such costs to be met from existing budgets. There may also be IT costs associated with the purchase of an additional device where the Member’s usual device is unsuitable. The purchase of headphones to help improve the sound quality of meetings would also incur a cost.
- 4.2 Additional costs may be incurred if, in future, the Council decides to webcast additional meetings beyond the number of hours provided for within the Council’s existing service package.

Human Resources

- 4.3 Remote meetings will be administered by the existing small team of Committee Services Officers, supported by staff from the Council’s IT service.

Legal

- 4.4 Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision for “the public to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.”
- 4.5 The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council’s Standing Orders should be varied using the Chief Executive’s urgency powers to mirror the terms of the Act and facilitate the holding of remote meetings. (The Standing Orders relating to the Integration Joint Board already allow for remote attendance by its members).

Equality/Socio-economic

- 4.6 In the short term, there are no adverse impacts whilst the terms of the Coronavirus (Scotland) Act permits restriction of public access to meetings. There will be further review in the event that public access to meetings recommences. The proposals attempt to ensure there is no potential age discrimination issues of older Members who are socially isolating being unable to access meetings.

Environmental and Sustainability

- 4.7 Printing some hard-copy Agendas to facilitate wholly remote meetings would have a detrimental impact on the environment. However, this would be offset by the positive impact of such meetings in terms of the avoidance of travel to and from meetings.

Key Priorities

- 4.8 None arising from the recommendations set out in this report.

Community Wealth Building

- 4.9 None arising from the recommendations set out in this report.

5. Consultation

- 5.1 Consultation has taken place with the Council’s IT Service and, in terms of outstanding committee business, with other Services. There has also been consultation with Councils in other areas on their approach to remote meetings.
- 5.2 The proposals have been the subject of detailed consideration by the Council’s Chief Officer Leadership Team.

Andrew Fraser
Head of Democratic Services

Background Papers

Remote Meetings Options - paper summarising the benefits and considerations associated with Microsoft Teams and the new Public-i platform

Remote Meetings in Local Authority Areas – research and SOLACE paper