
NORTH AYRSHIRE COUNCIL**8 December 2021****North Ayrshire Council**

Title: **Hybrid Committee Meetings Pilot Update****Purpose:**

To update the Council on the continued hybrid committee meetings pilot in November 2021.

Recommendation:

That the Council agrees:

- (a) to note the outcome of the extended hybrid meetings pilot;
 - (b) to pause the hybrid committee meetings pilot whilst the implications of the Omicron variant of COVID-19 are understood further; and
 - (c) that a further review in respect of hybrid working be submitted to the next meeting of the Council for consideration.
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1 Executive Summary

- 1.1 At its meeting on 8 September 2021, the Council agreed to undertake a hybrid committee meetings pilot. The Licensing Committee and Integration Joint Board (IJB) were selected for inclusion in the pilot and their meetings held on 20 October
- 1.2 Learning from the pilot was set out in a report to the Council on 27 October 2021, together with recommendations for an extension. At this meeting, the Council agreed to extend the pilot of hybrid Licensing Committee and IJB meetings until the December 2021 Council meeting.
- 1.3 The outcome of the pilot, together with current Scottish Government guidance in light of the new Omicron variant of COVID-19, is set out in this report, for the Council's consideration.

2. Background

- 2.1 At its meeting on 8 September 2021, the Council received a report on progress in terms of the introduction of hybrid meetings. It was agreed that, as a pilot, meetings of the Licensing and Integration Joint Board should take place on a hybrid basis, with up to 50% of committee members able to attend in person and the remainder joining the meeting remotely via MS Teams. It was further agreed that the outcome be reported to the October 2021 Council meeting.

- 22 At its meeting on 27 October 2021, the Council received an update on the hybrid meetings pilot. A hybrid meetings protocol was attached as an Appendix to the report. The Council agreed as follows:
- (a) to note the outcome of the hybrid meetings pilot;
 - (b) to extend the pilot of Licensing Committee and Integration Joint Board hybrid meetings until the next Council meeting, subject to:
 - (i) consultation with the Health and Social Care Partnership with regard to the IJB arrangements;
 - (ii) hybrid meetings during the next stage of the pilot proceeding as “remote meetings (with physical participation)”, with no more than 50% of committee Members attending in person and on the basis that any failure of the hybrid equipment would result in the meeting reverting to a remote platform;
 - (iii) amendment of the hybrid meetings protocol set out at Appendix 1, to accommodate physical attendance by external parties in exceptional circumstances, as determined by officers;
 - (iv) the pilot being suspended in the event of a reintroduction of social distancing requirements; and
 - (v) the extent of the pilot being dependent on the availability of sufficient staff resources
 - (c) to receive a report on the outcome of the extended pilot thereafter.

Extended Pilot: Meeting Arrangements

- 23 Unfortunately, the Integration Joint Board meeting scheduled to take place as a hybrid meeting on 18 November 2021 was cancelled due to lack of business. However, the hybrid meeting of the Licensing Committee did proceed on 17 November 2021.
- 24 Further testing of the hybrid equipment in the Council Chambers took place prior to the Licensing Committee meeting and the system was found to be reliable.
- 25 A fresh risk assessment of the Council Chambers in light of updated Health and Safety Executive guidance is due to take place. However, at the time of the Licensing Committee meeting, no heating/air conditioning was permitted and windows required to be open during the meeting. As before, social distancing arrangements were also in place; physical attendees were required to wear a face covering when not seated; hand sanitiser was available on entry to the building; and the Chambers was subject to thorough cleaning before and after the meeting.
- 26 In accordance with the hybrid meeting protocol, physical attendees were asked to bring a device with them for use should the meeting require to revert to a wholly remote format via MS Teams.

Hybrid Pilot: Licensing Committee (17 November 2021)

- 27 By prior arrangement, three Members of the committee, including the Chair, attended the meeting in person, along with the Solicitor (Licensing). The remaining Members and an invited applicant, attended remotely via MS Teams.
- 28 Although it was agreed that provision would be made to support any applicant/licence-holder without their own device to join the meeting remotely from an adjacent committee room, this was not required and the party who did attend was able access the meeting themselves via MS Teams.
- 29 Due to the nature of the business under consideration, the Committee resolved to exclude the press and public and, therefore, no physical public gallery was required in the Council Chambers, nor was the meeting live-streamed.
- 210 Three Committee Services Officers managed the meeting: one undertook a traditional clerking role in the Chambers, a second operated the hybrid equipment (also in the Chambers), and a third joined remotely via MS Teams. A member of the Licensing team also assisted with admitting parties to hearings at the appropriate time and ensuring they had left prior to the committee's deliberation.
- 211 The meeting was fairly short, with limited business considered. The hybrid equipment operated successfully, with remote and physical attendees able to see and hear each other. The external party was able to join, leave and re-join the meeting when invited to do so at the appropriate times. (There was a minor issue around screen-sharing to present background papers, but this was unrelated to the hybrid system itself and, since the papers in question had already been circulated, Members were able to refer to them independently).
- 212 Following the meeting, Members (both remote and physical attendees) were invited to provide feedback on their experience. The individual points made by four Members are summarised below:
 - The hybrid model provides no real advantage over a totally online Teams meeting.
 - We are urged by the Government to continue to work from home if possible in view of the disturbing COVID figures, so it is of concern not only that Members are meeting face-to-face, but that staff are having to attend in person to facilitate this type of meeting. Until it is deemed safe for us all to attend in person, it would save resources and prevent unnecessary risk of infection if the Teams model was reinstated.
 - The hybrid meeting is more efficient than a Teams meeting held remotely. The meeting ran efficiently, advice could be sought immediately from the Solicitor present, and comments were received from Members present. Meetings requiring legal advice are more efficient when held by this system.
 - The test will possibly be at the next meeting when there is an item which could have a large number of objectors who may wish to attend in person. Some may not have an internet connection and the Chair has discretion to allow an objector to address the committee in person.
 - Hybrid meetings do not necessarily result in increased travelling expenses where Members regard Cunninghame House as their place of employment and, on that basis, do not claim such expenses

- If the hybrid system is not tested, it will lie dormant and be a waste of money. The system could be used by the Provost and officers for the full Council meeting.
- I am very much in favour of the hybrid style of meetings.
- I thought the meeting went very well. It was my first so I was impressed with how it was set up and how smoothly it all went. I am happy to stay at home in the mean time until things change for us all.

Learning Points

- 2.13 There were no significant learning points arising from the extension of the pilot, beyond the matters highlighted in the previous report.
- 2.14 The recent emergence of the Omicron variant of COVID-19 is of relevance at this time, particularly taking into account the additional pressures already likely to be faced by the health service during the winter months. The Scottish Government has recently urged the redoubling of efforts to follow guidance which is aimed at minimizing transmission, including working from home where possible.
- 2.15 On the one hand:
- ongoing informal testing of the hybrid system during the pilot has provided reassurance as to its reliability; and
 - there are suitable contingency arrangements in place (namely reverting to wholly remote) in the event of a system failure
- 2.16 On the other hand:
- Scottish Government advice remains to work from home where possible and this is of particular relevance given the emergence of the new Omicron variant of COVID-19 and the additional strain on the NHS over the winter period; and
 - the level of staffing required to run a hybrid meeting also remains relevant, particularly if hybrid meetings were to be rolled out

3. Proposals

- 3.1 The Council is invited to:
- (a) to note the outcome of the extended hybrid meetings pilot;
 - (b) to pause the hybrid committee meetings pilot whilst the implications of the Omicron variant of COVID-19 are understood further; and
 - (c) that a further review in respect of hybrid working be submitted to the next meeting of the Council for consideration.

4. Implications/Socio-economic Duty

Financial

- 4.1 Prior to COVID-19, only meetings of the Council, Cabinet and Integration Joint Board were webcast, but it is assumed that webcasting/live-streaming will be expected as a matter of course in future. Additional webcasting hours have been purchased to accommodate this in the interim and this can be built into the retendering exercise for webcasting with effect from June 2022. These hours can be used to stream wholly physical, wholly remote or hybrid meetings.
- 4.2 Remote meetings have reduced expenditure on Elected Member travel. The resumption of physical attendance could increase such costs where Members claim them.

Human Resources

- 4.3 Current Scottish Government guidance has emphasised the importance of homeworking where possible. In addition, remote/hybrid meetings are more resource-intensive than physical meetings. The Committee Services team comprises four Committee Services Officers and each hybrid meeting is currently supported by three CSOs.

Legal

Room Temperature/Working Conditions

- 4.4 The Workplace (Health, Safety and Welfare) Regulations 1992 lay down particular requirements for most aspects of the working environment and Regulation 7 deals specifically with the temperature in indoor workplaces, stating that "During working hours, the temperature in all workplaces inside buildings shall be reasonable." Although the law does not state a minimum or maximum temperature for working environments, the temperature would normally be expected to be at least 16°C (or 13°C if much of the work involves rigorous physical effort).
- 4.5 However, COVID-19 brings exceptional circumstances and, as there is the possibility of more harm occurring from COVID-19 than cooler air, closing the windows during meetings in the Council Chambers to bring the room to what might be considered a more reasonable temperature, has not been permitted.
- 4.6 Recently updated guidance from the HSE has indicated that air-conditioning systems may be suitable for use where other mitigating measures to ensure adequate fresh air are in place. Each location would require to be risk assessed and solutions would be specific to individual circumstances. Corporate Health and Safety and Property Management and Investment are currently reviewing what measures will be applicable and in what circumstances.
- 4.7 Once the Council Chambers risk assessment has been reviewed in light of the updated guidance, it may be possible to reinstate the air conditioning, subject to suitable mitigation. However, it is recognised that HSE guidance may be further revised in light of case numbers and the Omicron variant

Remote and Hybrid Meetings

- 4.6 The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council's Standing Orders were varied using the Chief Executive's urgency powers to mirror the terms of the Act and facilitate the holding of remote and/or hybrid meetings. [The Standing Orders relating to the Integration Joint Board already include a general provision which encompasses remote or hybrid meetings]. In terms of Section 43(2) of the 2003 Act, the decision on whether a meeting is remote or hybrid is for the Provost or relevant committee Chair and the report, therefore, recommends that officers liaise with Chairs regarding the meetings to be included in the pilot.

Public Gallery Provision

- 4.7 Part 4 of schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications to Section 50A of the Local Government (Scotland) Act 1973 by adding an additional ground for the exclusion of the public from meetings of Local Authorities where there would be a "real or substantial risk" to public health due to infection or contamination with coronavirus. There is no distinction between virtual and physical Local Authority meetings within the temporary grounds (although it is difficult, of course, to make the case that there would be a 'real or substantial risk' associated with the public attending a remote meeting).
- 4.8 The temporary power to exclude the public from Local Authority meetings on coronavirus grounds was enforceable under Part 1 of the 2020 Act. Parts of the Act, including this power, expired on 30 September. It is understood that the Scottish Government is preparing further primary legislation although the terms of this are currently unknown. It is the view of the Council's Legal service that, by streaming its Teams meetings to the Council's website, the Council is effectively admitting the public to its remote meetings.
- 4.9 Whilst live streaming of remote meetings is likely to constitute public access to a meeting of the Council or its committees held on a wholly remote basis, it is logical to assume that the resumption of physical meetings or the introduction of hybrid meetings should include some public gallery provision even if live streaming continues.

Equality/Socio-economic

- 4.10 In the absence of a physical public gallery provision, some members of the public without IT equipment are disadvantaged by not being able to observe the proceedings, albeit that hard-copy Agendas and Minutes continue to be available on request. The reintroduction of a small physical public gallery as part of the hybrid pilot addresses this, as does a provision within the hybrid protocol which allows for assistance to be provided by officers in exceptional circumstances where an invited party to a meeting/hearing has no suitable device.
- 4.11 At the same time, there may be some equalities advantages associated with live-streaming meetings of the Council and committees in terms of offering easier/more extensive access to meetings than would be afforded by a small public gallery.

Environmental and Sustainability

- 4.12 Reintroducing a physical attendance element to meetings of the Council and its committees would have a small negative impact associated with travel to and from meetings.
- 4.13 Similarly, there will be some negative impact in the event that additional heating is required within the Chambers while windows are open.

Key Priorities

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

Community Wealth Building

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

5 Consultation

- 5.1 Members of the Licensing Committee were invited to provide feedback on the hybrid pilot. Feedback from the four Members who responded is summarised within the body of the report, at Section 2.12.
- 5.2 Consultation has also taken place with colleagues within Legal Services and Corporate Health and Safety/ Property Management and Investment with regard to Section 4 of the report.

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Background Papers

Feedback from Members of the Licensing Committee

Information from Property Management and Investment with regard to HSE guidance