
NORTH AYRSHIRE COUNCIL**23 June 2021****North Ayrshire Council**

Title: **Remote/Hybrid Committee Meetings: Next Phase****Purpose:**

To present to the Council information on, and options for, the introduction of hybrid committee meetings.

Recommendation: That the Council:

- (a) notes the availability of a hybrid meeting solution for Council and committee meetings, subject to staff training/system testing over the summer recess period and relaxation of COVID social distancing requirements; and
 - (b) agrees that a further report be submitted to Council once physical distancing and home working requirements are lifted to agree (i) the timescale for the introduction of hybrid meetings, (ii) any necessary further amendment to Standing Orders to accommodate hybrid meetings and (iii) the future webcasting/life streaming of all Council/committee meetings which are open to the public.
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1. Executive Summary

- 1.1 As a result of COVID-19 and associated restrictions, meetings of the Council and its committees have been taking place on a wholly remote basis via MS Teams since June 2020. Since October 2020, it has also been possible to live-stream these meetings to the Council's webcasting microsite.
- 1.2 Hybrid meeting equipment has now been installed in the Council Chambers, making it possible to hold meetings where some Members/officers attend physically and others via MS Teams. Like wholly physical or wholly remote meetings, a blended/hybrid meeting is capable of being live-streamed to the Council's microsite.
- 1.3 Current guidance is to continue to work from home where possible. Moreover, social distancing restrictions severely limit the number of persons who can physically attend meetings in the Council Chambers. Until these are lifted, it is arguably not practical to resume use of the Chambers, even on a hybrid basis. Considerations around parity detailed later in this report, also suggest that there should be no physical attendees in the Chambers until the option of attending in person is open to all.

- 14 Subject to the relaxation of COVID-19 restrictions and following system training/testing over the summer period, hybrid meeting equipment could initially be used to allow some physical attendance at meetings of the Council and its committees. In the longer term if meetings return to a largely physical format, the equipment could be used to allow some remote attendance where that is required.
- 15 It is proposed that a further report be submitted to Council once home working and physical distancing requirements are removed, to agree the timescale for the introduction of hybrid meetings. All going well, hybrid meetings could commence from the Council meeting on 27 October 2021. In the meantime, some practical and other issues around hybrid meetings, including Standing Orders implications, are set out in this report.

2. Background

Remote Committee Meetings

- 21 In March 2020, in light of the COVID-19 and Government advice in relation to the pandemic, scheduled meetings of the Council and its committees were initially cancelled.
- 22 In June 2020, the Chief Executive, following consultation, under the Council's Emergency Governance arrangements agreed the resumption from September 2020 of committee meetings on a wholly remote basis via Microsoft Teams, with recordings of any meetings normally open to the public to be uploaded onto the Council's website following each meeting. It was also proposed to introduce a new Public-i Connect Remote platform which would allow the remote meetings to be live-streamed to the Council's webcasting microsite in real time.
- 23 The introduction of remote MS Teams committee meetings was supported by the development of meeting protocols as well as a number of test/briefing sessions with Elected Members and officers. The MS Teams committee meetings proved extremely successful, with Members and Officers alike quickly becoming accustomed to the remote platform and very few technical issues arising.
- 24 Similar protocol and training arrangements were put in place prior to the introduction of the new Connect Remote platform at the September 2020 Council meeting. However, technical issues were encountered at the start of that meeting and it was necessary to revert to MS Teams on the day. The decision was taken to revert to MS Teams going forward, given the established reliability of that system and the level of user familiarity with it.
- 25 Officers then introduced an IT solution to address the issue of live-streaming MS Teams (as opposed to Teams recordings being uploaded after the event). All meetings which would ordinarily be open to the public have been successfully live-streamed in this way since October 2020 and are also available as a resource on the Council's microsite at www.north-ayrshire.public-i.tv/core/portal/home

Hybrid Meeting Equipment

- 26 There is an appetite to return to physical meetings in the Council Chambers, COVID-19 restrictions notwithstanding. At the same time, the convenience of remote meetings has been welcomed and there is likely to be demand for a remote element to continue meetings beyond COVID-19 (e.g. when poor weather makes travel difficult or to accommodate the needs of Members who live on the islands or have other employment).
- 27 Hybrid meetings offer a solution. The hybrid system installed in the Council Chambers works with the Council's existing webcasting equipment to combine physical attendees in the Chambers and remote attendees joining the meeting via a remote meeting platform (such as MS Teams) to create a blended/hybrid meeting.

Physical Attendees participate in the usual way using their Council Chambers microphones. They are able to view/hear remote attendees via the television screens and audio system in the Chambers.

Remote Attendees join the meeting via an MS Teams link. They see a wide shot of the Council Chambers and can see/hear individual speakers when they operate their microphones.

Live Streaming the new hybrid equipment offers the option of live streaming a blended/hybrid meeting to the Council's webcasting microsite, where it can be viewed live or after the event. This could be in lieu of a public gallery (while the Coronavirus (Scotland) Act 2021 provisions remain in place) or, in due course, as an enhancement to it, to allow a wider audience to view the proceedings.

- 28 How the hybrid equipment is used largely depends upon the Council and also the COVID-19 restrictions in force at the time. A difficulty is that if the capacity of the Chambers is limited by social distancing measures, only a limited number of Members could attend in person. Clearly a number of officers, potentially including some who are speaking to reports, would not be able to attend due to similar social distancing issues. Nor would full public attendance be possible (including for applicants/appellants/licence-holders).
- 29 Following the easing of restrictions, the system could allow mainly physical meetings to be attended remotely by a few Members/officers, or to respond to particular weather/other incidents or events.

Indicative Timescale

- 210 Scotland is expected to be at COVID-19 Level 0 by the end of June 2021. At this point, some limited opening of offices is permitted (presumably including for committee meetings). However, home working is still advised at that stage and any ongoing social distancing requirements would limit the capacity of the Council Chambers.

- 211 The Council’s current legal power to exclude the public from meetings due to a “real or substantial risk to public health” specifically relating to infection or contamination by Coronavirus ends on 30 September 2021 with the expiry of the Coronavirus (Scotland) Act 2021. The Act cannot be extended beyond that date and, although it is understood that a replacement Act is being prepared, it is assumed that some public gallery provision will be required from October 2021 where there is a physical component to a Council/committee meeting. This would require to be safely managed.
- 212 With the above in mind, it is proposed that Committee Services stress-test the new hybrid equipment over the summer recess period when staff resources permit, and that a report on hybrid meetings is then submitted to the first meeting of the full Council following removal of social distancing restrictions
- 213 Subject to Council approval, confirmation that ‘work from home where possible’ and social distancing restrictions have been removed, and any necessary further change to Standing Orders, meetings could then begin to operate a hybrid basis from the 27 October 2021 Council meeting.

Practical Considerations

- 214 Two-metre social distancing measures reduce the capacity of the Chambers to 13 maximum (plus 2 Committee Services Officers and a public gallery provision of 2). This, coupled with Scottish Government guidance on home working where possible, may mean that, for all but the smallest committees, physical attendance at meetings by even a representative sample of Members, Officers and the public, is not possible.
- 215 Some of the practical implications for physical attendance during COVID are highlighted below:

Ventilation

Windows and doors would need to be open in the Chambers to allow adequate ventilation and attendees would need to bear this in mind, particularly during colder weather and for lengthy meetings. Having windows open during a meeting may have implications for consideration of any confidential/exempt material.

Attending the Chambers

As a precaution, physical attendees might be asked to remain outside the building until immediately before the start of the meeting and avoid mixing in the Members’ lounge before or after the meeting. Some additional cleaning of the Chambers before and after the meeting would also need to be resourced.

Face Coverings

Face coverings may not be required while participants are seated but would be needed when moving around the room

Contact Tracing

Some contact tracing information would need to be gathered for external parties attending in person (such as objectors, applicants, appellants, representatives of other organisations and any public gallery attendees)

<i>Public Gallery</i>	Public gallery provision is expected to be legally required from October 2021, albeit that it may be possible/necessary to reduce the size of the public gallery provision, particularly while social distancing measures are in place, e.g. 2-3 places. Public/press attendance could potentially be by application, with the majority of public access remaining via live-streaming
<i>Seating Plans</i>	Advance agreement of physical attendance would be required, to allow Committee Services to allocate the available seating and update the electronic seating plan prior to every meeting (so that the system correctly identifies speakers when they use their microphones)
<i>Political Parity</i>	Where social distancing means that not every request to attend in person can be accommodated, there would be a real issue in determining which Elected Members could be permitted to join a meeting physically. This is particularly so in circumstances where in the event of a failure in remote access, the physical meeting remains quorate and continues. There is an argument that, in the interests of parity, no Member should join the meeting from the Chambers until all have the opportunity to do so.

Standing Orders Considerations

- 216 The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings and the Council's Standing Orders have already been amended to mirror the terms of the Act. Members who attend a remote meeting of Council/its committees are regarded as 'present'. The MS Teams Committee Meetings Protocol clarifies that any loss of connection during a meeting is not sufficient to prevent an otherwise quorate meeting from proceeding. So, if an individual Member drops out of a remote meeting due to a failure of their device or a broadband issue, this is treated in the same way as if they had left the room during a physical meeting.
- 217 What is not clear, is the application of this to a hybrid meeting. Here, the issue might be one of a complete hybrid system failure rather than a connection issue affecting an individual participant. In this scenario, there may be some Members within the Chambers ready to participate in the meeting and other Members who have successfully joined via MS Teams (and there may be enough Members in each case to form a quorum), but a technical issue with the hybrid system results in a failure to combine the two elements into a single meeting. Effectively there are now two meetings, each of which is quorate. Although we do expect the hybrid equipment to operate reliably (and for comprehensive stress-testing and pre-meeting tests to be conducted), consideration needs to be given to dealing with such a situation, however unlikely.

- 218 A practical solution to address the above scenario might be for the Provost/Chair to rule that the hybrid meeting be rescheduled as a wholly remote meeting via MS Teams (assuming all the physical attendees have a device to hand). This solution may be acceptable during COVID-19 where most meeting participants (including the officers presenting reports) are still remote, but it could be problematic at some future point if most people are in the room and perhaps only one or two happen to be attending remotely.
- 219 In another scenario, a meeting might be about to proceed with mainly remote participants, only for there to be a complete failure of the remote platform. This issue has not arisen in the last year, although such a failure did affect some users across Europe and Asia on 27 April 2021. In such circumstances, it would be important to know in advance that the meeting required to be rescheduled even if there were a quorum present in the Chambers.
- 220 In terms of the 2003 Act, it is for the Chair to determine whether a meeting takes place on a remote or hybrid basis and Standing Order 5.7 already includes a provision for the Provost/Chair to “determine any questions of procedure for which no express provision has been made in these Standing Orders”. So, theoretically, the Chair of a meeting could determine the appropriate course of action in the various scenarios described above.
- 221 In theory it would be possible to amend Standing Orders to include a provision to designate each hybrid meeting in advance as either a *Remote Meeting (with physical participation)* or a *Physical Meeting (with remote participation)*. This would mean that, in the event of any failure of the hybrid meeting equipment, the physical meeting or remote meeting would take precedence as appropriate, provided it had a quorum. The flaw in this is that the latter solution of *Physical Meeting (with remote participation)* results in Members attending remotely not being able to participate in the meeting. Inevitably this will make physical presence the favoured option, which in turn makes it even more difficult to agree who would physically attend the meeting during social distancing restrictions. It is one thing to be cut out of a meeting when a Member has chosen to attend remotely and knows the consequences of a failure. It is quite another thing to be cut out of a meeting when a Member wished to attend but was unable to do so for reasons of social distancing numbers.
- 222 For these reasons it is not recommended that hybrid meetings commence until social distancing restrictions are lifted. This would also require the guidance on working from home where possible to be relaxed.
- 223 Consideration will also need to be given to whether key external parties could join remotely. And members of the press/public within the public gallery might also need to be assisted to access the live-stream. There are practical issues around resourcing this.

Hybrid Protocol

- 224 Prior to introducing remote committee meetings, a Microsoft Teams Committee Meetings Protocol was prepared to help ensure they operated effectively.

- 225 A protocol would be also helpful for hybrid meetings in due course, to cover various practical arrangements associated with such meetings, for the benefit of officers, Members and external parties.

Other Types of Meeting

- 226 Only Council Chambers have the software and cameras to enable hybrid meetings as proposed. For that reason, it suggested that the hybrid equipment in the Council Chambers would be used only for formal meetings of the Council and its committees. While any COVID-19 restrictions are in place, it is anticipated that Pre-Agenda/informal meetings could continue on a wholly remote basis.
- 227 Even beyond COVID-19 restrictions, it may be that Pre-Agenda meetings and informal meetings between Elected Members/Officers remain as wholly remote if that suited the Elected Members/officers involved. Alternatively, subject to the upgrading of meeting rooms, a hybrid element could be achieved by displaying MS Teams attendees on meeting room screens.

3. Proposals

- 3.1 The Council is invited to:
- (a) note the availability of a hybrid meeting solution for Council and committee meetings, subject to staff training/system testing over the summer recess period and relaxation of COVID social distancing requirements; and
 - (b) agree that a further report would be submitted to Council once physical distancing and working from home requirements are lifted to agree (i) the timescale for the introduction of hybrid meetings, (ii) any necessary further amendment to Standing Orders to accommodate hybrid meetings and (iii) the future webcasting/live streaming of all Council/committee meetings which are open to the public.

4. Implications/Socio-economic Duty

Financial

- 4.1 Prior to COVID-19, the Council webcast only meetings of the Council, Integration Joint Board, but it is assumed that even following the relaxation of restrictions and the reintroduction of a physical public gallery, live-streaming of all meetings which are not subject to the exclusion of the press and public will be expected as a matter of course. Additional webcasting hours have been purchased to accommodate this in the interim and this can be built into the retendering exercise for webcasting from June 2022.
- 4.2 Remote meetings have significantly reduced expenditure on Elected Member travel. The resumption of physical attendance will increase such costs.
- 4.3 While this report covers only formal meetings of the Council and its committees held in the Council Chambers, it is worth noting that there may be further financial implications corporately if other meeting rooms within Cunninghame House are upgraded to facilitate some other types of blended/hybrid meetings.

Human Resources

- 4.4 Remote/hybrid meetings are more resource-intensive than physical meetings, particularly where physical meetings are not webcast. The Committee Services team comprises only four Committee Services Officers, one of whom clerks the meeting.

Legal

Remote/Hybrid Meetings

- 4.5 The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council's Standing Orders have been 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 (section 4.4) which encompasses remote or hybrid meetings].
- 4.6 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. The report to Council may seek the express approval of Chairs to permit hybrid meetings. Alternatively, unanimous approval of the Council report (with all committee chairs present) may be treated as a direction from them.

Public Gallery Provision (Remote Meetings)

- 4.7 Part 4 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 is currently enforceable under Part 1 of the 2020 Act and the Act is due to expire on 30 September. It is understood that the Scottish Government are currently 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 after 30 September should include some public gallery provision even if live streaming continues.

Equality/Socio-economic

- 4.10 Whilst there is no public gallery provision for meetings, some members of the public without access to 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 physical public gallery following relaxation of restrictions will address this.
- 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.

Key Priorities

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

Community Wealth Building

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

5. Consultation

- 5.1 Some limited informal consultation has taken place with other Councils via the SOLAR Governance Working Group on the Knowledge Hub. It would appear that most Councils are not at an advanced stage.

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For further information please contact Melanie Anderson, Senior Manager (Committee and Member Services), on melanieanderson@north-ayrshire.gov.uk

Background Papers

N/A