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

Title: **Hybrid Committee Meetings****Purpose:**

To update the Council on progress in terms of the introduction of hybrid meetings.

Recommendation: That the Council:

- (a) agrees that a hybrid meetings pilot take place prior to the next ordinary meeting of the Council in October 2021, involving a meeting(s) of the Licensing Committee and Integration Joint Board, subject to (i) consultation with the Health and Social Care Partnership with regard to the IJB arrangements, (ii) any applicants/licence-holders attending the Licensing Committee do so on a remote basis only; (iii) any hybrid meetings during 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) the pilot being suspended in the event of a reintroduction of social distancing requirements; and (iv) the extent of the pilot being dependent on the availability of sufficient staff resources;
 - (b) notes that no further amendment to Standing Orders is required at this time in relation to hybrid meeting arrangements, but that officers use learning and experience from the pilot to inform a Hybrid Meetings protocol for use by Members, Officers and other meeting participants;
 - (c) agrees that a further report be submitted to the Council meeting in October 2021 on (i) the outcome of the pilot; (ii) options for the expansion of hybrid/physical meetings and (iii) future public gallery provision; and
 - (d) notes that any pilot hybrid meetings held in September 2021 would not require to include a physical public gallery but that, from October 2021, some public gallery provision would be needed for any meetings with a physical attendance component.
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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. Live-streaming of meetings ordinarily open to the public was introduced in October 2020.
- 1.2 Hybrid meeting equipment has been installed in the Council Chambers to allow a combination of physical and remote attendance, with the option of live-streaming to the Council's webcasting microsite. Testing of this equipment is currently underway.
- 1.3 It is proposed that a trial of the hybrid system take place prior to the October 2021 meeting of the Council, subject to the conditions set out in the Background and Proposals sections of this report.

2. Background

- 2.1 At a Special Meeting held on 23 June 2021, the Council received an update report on the next steps in terms of remote and hybrid committee meetings. The report provided background information on the introduction of remote committee meetings in June 2020 in light of the COVID-19 and provided information on the potential for hybrid meetings in future, subject to the lifting of restrictions around social distancing.
- 2.2 The Council agreed:
 - (a) to 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 the relaxation of COVID social distancing requirements; and
 - (b) 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 of webcasting/live streaming of all Council/committee meetings which are open to the public.

Current Position on Restrictions

- 2.3 Although the number of COVID-19 cases has been rising of late in Scotland, the vaccination programme is well advanced and, at present, Scotland has moved out of the COVID-19 levels system and is now beyond Level 0. This means that home working or a mixture of home and office working is now permitted and social distancing no longer required. It is understood that face covering may still be required but further advice is being sought.
- 2.4 Further guidance is being sought on requirements for collection of contact tracing information in relation to Elected Members, Officers and (subject to there being a decision to re-introduce a public gallery) any members of the public attending a meeting in the Council Chambers.

Hybrid Equipment Testing

- 25 Testing of the new hybrid equipment in the Council Chambers was initially delayed over the summer period due to some technical issues around the interface between the new equipment and the older existing sound and display systems within the Chambers. However, a number of successful tests have now been carried out and officers are now 'stress-testing' the system with larger numbers of remote and physical participants.
- 26 Officer attention is also turning to some practical issues around the operation of hybrid meetings. In particular, consideration is being given to how best to support a meeting Chair in terms of facilitating effective participation by remote and physical Elected Members and Officers. Arrangements for sharing presentation material are also being explored.
- 27 It is apparent from the testing undertaken so far that hybrid meetings require significant staff resource to manage the remote and physical elements of the process as well as the live-streaming of the meeting.

Hybrid Pilot

- 28 It is proposed that an initial pilot of the hybrid system be undertaken prior to the next meeting of the full Council in October 2021. The 15 September and 20 October 2021 meetings of the Licensing Committee and the 21 October 2021 meeting of the Integration Joint Board have been suggested for inclusion in the pilot.
- 29 In future, hybrid meetings may take the form of a *Physical Meeting (with remote participation)*, meaning that most participants will be in the Chambers with the option for some to join the meeting remotely. In such circumstances, any failure of the hybrid equipment would result in the physical meeting taking precedence, to the detriment of any remote attendees. Any Member wishing to attend on a remote basis would do so on the understanding of this position.
- 210 During the pilot period, however, it is proposed that hybrid meeting proceed on the basis of *Remote Meetings (with physical participation)*. This means that, in the event of any failure of the system or any other factor which might prevent the hybrid meeting from proceeding, the meeting would revert to the remote platform. Similarly, in the event of any staff required to operate the hybrid system having to self-isolate, the meeting would re-convene via the remote platform.
- 211 It is proposed that, for the purposes of the pilot any applicants/licence-holders invited to Licensing Committee continue to attend on a remote basis only and that physical attendance by members of both committees is limited to 50%.

Public Gallery Arrangements

- 2.12 The Council's 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 would be required from October 2021 where there is a physical component to a Council/committee meeting.
- 2.13 In light of the above, it is proposed that any hybrid meetings which take place in September do not include a physical public gallery in the Chambers and that the Council continues to meet its public access obligations via live-streaming only. For pilot meetings from October 2021, however, a small public gallery would require to be carefully managed, together with any contact tracing arrangements which may be required.

Standing Orders Considerations

- 2.14 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'.
- 2.15 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". Therefore, the Chair of a meeting could determine the basis upon which a hybrid meeting takes place, either as a *Remote Meeting (with physical participation)* or a *Physical Meeting (with remote participation)*.
- 2.16 It is proposed that a protocol be developed for use in hybrid meetings, setting out the position in the event of a hybrid system or other failure. Development of the protocol would be informed by learning and experience from the pilot.

3. Proposals

3.1 The Council is invited to:

- (a) agree that a hybrid meetings pilot take place prior to the next ordinary meeting of the Council in October 2021, involving a meeting(s) of the Licensing Committee and Integration Joint Board, subject to:
- (i) consultation with the Health and Social Care Partnership with regard to the IJB arrangements,
 - (ii) any applicants/licence-holders attending the Licensing Committee do so on a remote basis only

- (iii) any hybrid meetings during 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;
 - (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
- (b) note that no further amendment to Standing Orders is required at this time in relation to hybrid meeting arrangements, but that officers use learning from the pilot to inform a Hybrid Meetings protocol for use by Members, Officers and other meeting participants;
- (c) agree that a further report be submitted to the Council meeting in October 2021 on:
- (i) the outcome of the pilot;
 - (ii) options for the expansion of hybrid/physical meetings and
 - (iii) future public gallery provisions; and
- (d) note that any pilot hybrid meetings held in September 2021 would not require to include a physical public gallery but that, from October 2021, some public gallery provision would be needed for any meetings with a physical attendance component.

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 with effect from June 2022.
- 4.2 Remote meetings have significantly reduced expenditure on Elected Member travel. The resumption of physical attendance will increase such costs.

Human Resources

- 4.3 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. Each hybrid meeting requires the support of three CSOs.

Legal

Remote/Hybrid Meetings

- 4.4 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].
- 4.5 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)

- 4.6 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).
- 4.7 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.
- 4.8 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

- 4.9 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 would address this.
- 4.10 At the same time, there may be some equality 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

4.11 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

4.12 None arising from the recommendations set out in this report.

Community Wealth Building

4.13 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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Services

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

Background Papers

N/A