



Audit & Governance Committee
22 May 2020

Remote Meetings Regulations

Purpose of the report:

To explain the impact of the emergency regulations produced by Government in response to the coronavirus pandemic on how Surrey County Council will run its committees.

Recommendations:

It is recommended that:

1. The Committee reads this report in conjunction with the new regulations and the letter from Ministry of Housing, Communities & Local Government to Local Government Chief Executives (annexes 1 & 2);
2. The Committee understands how these regulations have superseded the council's interim arrangements; and
3. The Committee reviews the decisions made under delegation in the period before the new regulations were enacted

Introduction:

4. The UK Government's response to coronavirus has meant that public meetings of committees at County Hall or elsewhere could not continue.
5. To manage decision making Surrey County Council agreed changes to its constitution at its 17 March 2020 council meeting. These changes put in place decision making by the Leader (in consultation with two Cabinet Members) and Proper Officers (in consultation with the relevant committee chairman) to take decisions in lieu of committees of the council. Decisions have been taken using remote meeting technology as formal public meetings could not take place in the usual way.

Remote Meeting Regulations

6. Under the Coronavirus Act 2020 new regulations have been created enabling local authorities to hold meetings remotely before 7 May 2021,

they have removed the requirement for an Annual General Meeting (AGM) and postponed all local elections until 6 May 2021.

7. These new regulations remove obstacles to local decision making being done remotely. Up until now this was not possible hence the council's decision in March to operate through the executive powers of the Leader and delegate non-executive powers to the relevant Proper Officer on an interim basis.

What the new regulations mean for committee meetings

8. A local protocol was developed to offer guidance on the operation of these delegations. However, in future this protocol will only be used when absolutely necessary as the new regulations came into force on 4 April 2020 meaning that committees can now meet as before to take decisions albeit remotely.
9. Committees will meet as usual using technology to do so remotely. The conditions that must be required for these meetings to be compliant with regulation are:
 - 9.1 Advance notification is still required in advance (5 days unless under urgency procedures)
 - 9.2 Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other members in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting. Members of the public observing the meeting must as a minimum be able to hear (but if practicable be seen as well).

The Council's Constitution

10. As a result of these regulations the Council's Constitution has been reviewed and Officer Scheme of Delegation has been updated to ensure that it reflects the current organisational structure.
11. The Council's Standing Orders will be reviewed to ensure that public participation and representation rules are compatible with the new regulations and the IT solution to allow meetings to take place remotely.

What next?

12. Democratic Services and IT & Digital have identified Microsoft Teams as the software that will be used to deliver remote meetings for Surrey County Council. Testing of the software to meet the demands of the regulations including making them open to the public has been undertaken. Streaming of remote public meetings conducted using Microsoft Teams will be done using the existing webcasting service provided by Public-I. This is over and above what the council had in place to run meetings informally without public access.
13. Guidance has been drafted (annexe 3 to this report) for Members and Officers on how remote meetings will operate. The guidance covers

common meeting procedures and the implications of working in this way. Members can sign up for 1:1 training sessions on how to use the software and Democratic Services will be instigating full committee pre-meetings for all committees to allow Members to prepare sufficiently for virtual public meetings.

14. The regulations allow for committee appointments to remain in place until 2021 and there is no requirement for an annual meeting. Surrey County Council will have to decide whether or not to adopt this approach.

Decisions taken under delegation (agendas published up to 4 April 2020)

15. Leader and Cabinet Members Meeting as Cabinet (31 March 2020)
 - **Surrey County Council Response to COVID-19**

Decision:

 1. That the latest public health situation with regard to COVID-19 and Surrey's response and acknowledge the impact on Surrey's residents and the Council be noted.
 2. That the changes to Local Authority powers and duties introduced by the Coronavirus Act be noted and that authority be delegated to the relevant Executive Director in consultation with the relevant Cabinet member to amend service provision in accordance with the Council's statutory duties as these may be varied by the Act, regulations and guidance made thereunder be noted.
 3. That the initial assessment of the impact on Surrey County Council's short and medium-term financial position be noted.
 4. That the development of a COVID-19 package of support for key suppliers and service providers and the Voluntary, Community and Faith Sector in Surrey, delegating authority to the Executive Director of Resources and Executive Director of Transformation, Prosperity and Partnerships in consultation with the Leader to determine the detail of the scheme was approved.
 5. That the re-prioritisation of services and transformation programmes due to the impact of COVID-19, acknowledging it is a fast-changing situation that will require regular review of priorities be agreed.
 6. That the establishment of economic stimulus measures for businesses to support their survival and recovery from COVID-19, delegating authority to the Executive Director of Resources and Executive Director of Transformation, Prosperity and Partnerships in consultation with the Deputy Leader and Cabinet Member for Finance to determine the detail of the scheme be agreed.

- **Returning the Countryside to Residents**

Decision:

1. That the variation of the agreement with Surrey Wildlife Trust (SWT) for the management of the Countryside Estate in accordance with the

proposals detailed in the report, noting the cost implications outline in paragraphs 34-38 of the submitted report be agreed.

2. That authority be delegated to the Executive Director for Environment, Transport and Infrastructure and the Executive Director for Resources in consultation with the Cabinet Member for Community Safety, Fire & Resilience and the Cabinet Member for Finance to:
 - a. enter into final negotiations with Surrey Wildlife Trust and complete the variation to the agreement, including the surrender of Phase 1 and 2 leases and re-grant of lease.
 - b. agree the implementation of transitional arrangements with Surrey Wildlife Trust for the management of Countryside Visitor Services and property management responsibilities pending completion of the variation.
 - c. transfer the responsibilities for visitor services to Surrey County Council on the 1 April 2020 subject to 'call-in' arrangements.

- **Greener Futures Investment Programme**

Decision:

1. That the proposed investment in our Greener Futures Investment Programme was endorsed.
2. That officers will further develop the pipeline capital schemes so that they are fully scoped and costed, refining the information contained in Annex 2. Individual schemes will be brought to Cabinet for approval when they are developed to business case stage be noted.

- **Digital Strategy 2025**

Decision:

1. That the Digital Strategy 2025 be approved.
2. That the Digital Strategy 2025 sets the direction for the Digital Transformation Programme, ensuring that resources deployed on the programme are core contributors to the delivery of the strategy was noted.

- **Commercial Programme (Waste) Update**

Decision:

This Part 2 report contained information which is exempt from Access to Information requirements by virtue Information relating to the financial or business affairs of any particular person.

16. Appointment Sub-Committee (7 April 2020)

- **Senior Appointment of Director of Environment**

The Executive Director for Environment, Transport & Infrastructure, in consultation with the People, Performance & Development Committee Appointment Sub-Committee, agreed to appoint Carolyn McKenzie to the role of Director of Environment.

Conclusions:

17. The new regulations have made it possible for remote council decision making that is open to the public and that remote meetings will count towards Members' attendance record.
18. The delegations and protocol agreed to manage decision making in the period prior to the publication of these regulations will in future only be used if a remote committee decision is not possible and any decisions will be reported to future Audit & Governance meetings.
19. The council will implement arrangements, including training, to conduct its public committee meetings remotely using the Microsoft Teams application in conjunction with the existing Public-I web streaming contract.

Financial and value for money implications

20. No costs have been identified yet although this may change depending on the option chosen to run meetings remotely.

Equalities and Diversity Implications

21. No negative implications identified.

Risk Management Implications

22. Meeting the regulations for remote meetings is dependent on a suitable IT solution that offers reliable public access. Unreliable technology could cause issues for transparency and legitimacy of decision making. Officers will be undertaking a robust assessment of the options and ensuring that rigorous testing is done alongside the provision of support for Members of committees.

Next steps:

The Audit & Governance to monitor the operation of committees remotely and feed back to the Executive as required.

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Sources/background papers:

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and

Wales) Regulations 2020, available at:
<http://www.legislation.gov.uk/ksi/2020/392/contents/made> (as accessed 08/04/20)

Annexe 1: ASDO/LLG Remote Meetings Protocol and Procedure Rules

Annexe 2: MHCLG Letter to Local Authorities

Annexe 3: Surrey County Council Remote Meeting Guidance, Rules and Etiquette