

Ministry of Housing, Communities and Local Government

Local authority remote meetings: call for evidence

**Submission from the Leader of Surrey County Council, Councillor
Tim Oliver, June 2021**

Surrey County Council (SCC) welcomes the opportunity to submit its views following the publication of the document **Local Authority Remote Meetings: Call for Evidence**, published by the Ministry of Housing, Communities and Local Government on 25 March 2021.

Context

Section 78 of the Coronavirus Act 2020 provided for remote meetings to be held by local government authorities before 7 May 2021 and specifically made provision for local authorities to deal with the challenges of holding physical meetings during the coronavirus pandemic. These provisions helped local authorities to redeploy resources to deal with the pandemic and ensure that essential business continued while protecting the health and safety of their members, officers and the public.

The Local Government Association, supported by other local government organisations, lobbied the Government to allow councils to continue to hold remote meetings beyond the deadline of 7 May 2021 - on the basis that Councils would be able to choose which of its meetings should be held remotely.

While the government was sympathetic to the arguments of local government, it pointed out that permanent change would require primary legislation, and such passage would depend on agreement of Parliament and the timetabling and pressures of Parliamentary business.

Since then Hertfordshire County Council, Lawyers in Local Government and the Association of Democratic Services Officers made an application to the High Court for a declaration that the legislation in place in England relating to local authority meetings already permitted remote meetings to take place.

The first judgment in that case was handed down on 28 April 2021, dismissing the claim on the basis that the Local Government Act 1972 did not permit remote meetings, and that it was a matter for Parliament to legislate by way of primary legislation.

The second judgment was handed down on 4 May 2021, and specifically covered the question as to whether a meeting which is required by the 1972 Act to take place in person, is "open to the public" or "held in public", if the only means by which the public are permitted to access it are remote.

The High Court judgments meant that the position in England reverted to the pre-pandemic position – that physical meetings are required for committees to take decisions and that the public must have physical access to those meetings (unless those meetings are considering confidential or exempt information as defined in the LGA 1972).

This has meant that Councils urgently had to make provision and put logistical arrangements in place for in-person meetings to take place after 7 May 2021.

The Surrey County Council position

At Surrey County Council, remote meetings were implemented successfully from April 2020 when the regulations came into force, and councillors, staff and residents alike adapted admirably and accepted this as the way forward throughout the pandemic. Many participants expressed the desire that remote or hybrid meetings should continue, even after the pandemic has come to an end and in-person meetings are once again possible.

In the interim period, between the start of the pandemic and the Remote Meeting Regulations coming into force in April 2020, Surrey County Council used single member executive decision making and delegations to officers (in consultation with members) to allow essential decisions to be taken. However, it is recognised that this is not as open and transparent as holding public committee meetings.

On 7 January 2021, the Council wrote to Luke Hall, Minister of State for Regional Growth and Local Government, requesting that the necessary changes be made to extend the relevant legislation as a matter of urgency to enable councils to continue to hold remote and hybrid meetings. The advantages of remote and hybrid meetings were also emphasised, and these are again addressed in more detail in the *Specific Consultation Questions* below.

In surveys undertaken in September 2020 and April 2021 our members overwhelmingly supported the idea of having the option to continue to host some council meetings remotely. Some of these results and other quantitative data is included in the *Specific Consultation Questions* below.

Surrey County Council has maintained throughout that uncertainty over meeting arrangements permitted by local authorities would create problems for councils, councillors and the public at large. We have therefore consistently supported the option of remote meetings being held post 7 May 2021.

Summary Observations

Surrey County Council urges the Government to favourably consider the request to amend the provisions in the Act to allow local authorities to continue to hold remote or hybrid meetings, with appropriate safeguards to maintain town hall transparency. Local authorities have now had extensive experience of conducting remote meetings over the past year and the continued ability to hold remote meetings will be to the benefit of local authorities, councillors and the public at large.

Apart from our responses to the *Specific Consultation Questions*, we have also raised particular additional issues (detailed at the end of this response).

Specific Consultation Questions

Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?

Very Well

- At Surrey County Council, remote meetings have been implemented successfully since the regulations came into force and councillors and residents alike have accepted this as the way forward throughout the pandemic. While there were some initial teething problems, remote meetings have since been embraced by members and officers at Surrey County Council.
- In two surveys conducted with Surrey County Council members in September 2020 and April 2021, members were by and large supportive of a continued focus on agile and remote meeting participation, specifically to attract a wider range of people to stand and become involved as councillors in local government.
- Specific benefits were identified, and these are detailed in Question 3 below.

Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

Yes

- As different authorities have different needs, decisions on which meetings could be held remotely or in person should be left to those authorities.
- This was also supported in the surveys undertaken with our members mentioned in Question 3.

Q3. What do you think are some of the benefits of the remote meetings arrangements? Please select all that apply.

- More accessible for members.
- Reduction in travel time for councillors.
- Meetings more easily accessed by local residents.
- Greater transparency for local authority meetings.
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online.
- Easier to chair meetings in an orderly fashion.
- A virtual format promotes greater equality in speaking time during meetings.
- Other (please specify):
 - Greater value for money (please see Question 4).
 - Remote meetings can be less intimidating for residents wishing to participate in meetings.

- Remote meetings support councillors in balancing their meetings, especially in large counties/rural council areas where a councillors may often have to travel large distances to get to meetings.
- Remote meetings could encourage more diverse councillor membership – such as parents and those with children/caring responsibilities, and people with disabilities.
- There is a positive environmental impact of not travelling to meetings by car, as this has reduced road congestion and carbon emissions. The council has agreed to a Surrey Climate Change Strategy which will require a change in working practices and travel. The shift to remote and hybrid meetings as a ‘new normal’ post lockdown would allow Surrey County Council to demonstrate leadership and show Surrey businesses that changes in such new working practices can continue to be effective and part of the way we do business going forward.
- Public participation and member attendance at meetings have generally increased. In the period 1 April 2020 to 30 April 2021, SCC held **149 formal remote committee meetings** and the average **attendance was 89%**.
- Reduction in travel time and cost for residents, such as attending home to school transport appeal meetings
- Overview & Scrutiny has been able to reach stakeholders and outside experts in its scrutiny reviews more readily via remote meetings than if these people had been asked to travel to a council building. For example, one scrutiny panel, to review the context for the Climate Change Strategy, met 17 times. This would have not been possible if meetings were face to face. Shifting councillor and officer time from travelling to instead attending remote meetings increases effectiveness and has added value.
- Remote meetings are extremely helpful in situations where, for example, a short meeting is convened which brings 20 people in from across the whole authority's area – attendees are more likely to attend such a meeting online rather than travel to a council building for a longer time period than the length of the meeting itself..
- There should remain flexibility to hold in person meetings where appropriate or indeed hybrid/blended meetings if required but in accordance with clear local rules to ensure open and transparent democracy
- In the surveys conducted among our members in September 2020 and April 2021, the main benefits were supported as follows:
 - Reduced travel time – **82%**
 - Environmental benefits – **70%**
 - Greater flexibility – **63%**
 - Savings on costs such as travelling expenses – **65%**
 - In response to the preferred meeting format, **70%** of members supported Full Council to take place in person, but that most other meetings could have the option of taking place remotely.

Q4. (For local authorities only) Have you seen a reduction in costs since implementing remote meetings in your authority?

Yes

- The cost of our members’ travel expenses from April 2020 to February 2021 was **£4,668.90**. This is a significant saving against the previous year’s costs of

just **over £50,000** and demonstrates the financial benefits of continuing to adopt agile working practices beyond the pandemic.

- The cost of officers' travel expenses over the same period amounted to **£2.1m**, which is less than half the equivalent spend for last year.
- The costs of an in-person Annual Council meeting in May 2021 were approximately **£8k**, although many of these were related to Covid restrictions. We were fortunate to have a space at County Hall that adhered to these restrictions for the AGM, otherwise the costs would have increased considerably.

Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome? Please select all that apply.

- It is harder for members to network informally with one another and officers informally.
Mitigation:
 - Councillors have been encouraged to join remote meetings early to enable the pre-meeting conversations to take place.
 - Regular remote informal committee meetings, political group meetings and group leaders' meetings have been arranged throughout the pandemic to allow councillors to network informally.
- Meetings are less accessible for local members or local residents who have a poor-quality internet connection or who are unfamiliar with video conferencing/technology.
Mitigation:
 - All councillors and most members of the public have become accustomed to using video conferencing technology.
 - Surrey County Council decided from the start to use Microsoft Teams, and drafted specific guidelines (and provided training where necessary) for members, staff and the public on how to use the technology. This included the option to join the meeting by phone for anyone who did not have access to a computer.
- Some find it more difficult to read documents online than in a physical format.
Mitigation:
 - Although SCC has a policy of being paperless as far as possible, paper copies are still made available to members with specific disability issues.
 - All councillors were offered an additional screen to use at home to assist them with reading electronic documents. This continues to be an option for new councillors elected in 2021.
- It can be more difficult to provide effective opposition or scrutiny in a remote format.
 - We have not found this to be the case at SCC, and there has been no significant impact on scrutiny and holding the executive to account since SCC started remote meetings. Indeed, the scrutiny function has been able to undertake more work by making use of remote meeting technology.
 - As far as SCC is aware, we were one of very few councils where scrutiny and the holding of select committee meetings to conduct scrutiny continued without interruption during the first Covid lockdown.

- Select committee reports were still submitted to cabinet meetings, and call-in powers were used on one occasion during this period, which held the executive to account.
- While there is an opinion that certain types of scrutiny are done better face to face with stakeholders, this has not been evidenced at SCC.
- SCC councillors were generally satisfied that the executive was still held to account and that effective scrutiny still took place with remote meetings, with regular attendance by Cabinet Members at remote select committee meetings - and by select committee chairmen at remote Cabinet meetings - to present reports and recommendations.
- Select Committees were able to cover more scrutiny topics at committee meetings when using remote technology as compared to meeting exclusively in County Hall (**74 items in 2019/20 cf. 55 in 2017/18**)
- Overview & Scrutiny also completed more in-depth scrutiny reviews using task & finish processes while using remote technology. Seven reviews incorporating evidence from external witnesses reported with recommendations in 2019/20 - a significant increase which, in part, can be attributed to meeting remotely.
- Remote scrutiny meetings have seen increased attendance by both councillors and the public with more members participating in questioning.
- Other (please specify)
 - At Local/Joint Committee meetings where members are from different local authorities, there are sometimes differences in systems, e.g. Zoom and MS Teams, or even different versions of Microsoft Teams.

Mitigation:

- An agreement regarding platform use should be agreed in advance of the meeting and training provided to members, and in particular, chairmen, to support them with managing meetings.

Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?

- Greater opportunities for networking/informal discussion outside the meeting.
- Easier to read body language etc. than in a virtual setting.
- Members are more visible/accessible to residents – members of the public attending to protest an item may feel more seen/heard.

Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?

- Local authorities should be able to decide for themselves for which meetings they should have the option to meet remotely or in a hybrid form. Different authorities have different needs (e.g. county councils vs district and borough councils) and should therefore have this option.
 - There are several committee meetings that have lent themselves well to remote meetings and members have favoured this option over in person meetings e.g. Audit and Governance Committee, the Health and Wellbeing Board and many of SCC's executive committees.

- In addition, remote meetings have proven to have worked well for other meetings including Corporate Parenting (such as pre-meets which have included some of our looked after children) and appeal panels.

Q8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?

- Local authorities should be able to decide for themselves under which circumstances they have the option to meet remotely or in hybrid form.
- It is accepted that some meetings, e.g. Full Council and Planning and Regulatory Committee, should be held in person wherever possible. Remote meetings lend themselves well to all other meetings, especially informal meetings, i.e. where formal decisions are not taken.

Q9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

No. It is felt that each authority will have the knowledge of its democratic structure, elected members and IT solutions to be best placed to decide which meetings could be successfully run remotely.

Q10. If yes, do you have any suggestions for how your concerns could be mitigated/overcome?

N/A

Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

Yes it would benefit them. This was evidenced in our member surveys with over 60% of councillors stating that they want to continue with remote ways of working, as many members felt that continued agile working and remote participation in meetings would attract a wider range of people, who may need more flexibility (e.g. parents, carers, young people, disabled people) to become a councillor (Please also see Question 3).

Additional issues

1. Meeting Conduct

- Meeting attendance improved significantly since SCC started holding remote meetings, although Covid restrictions admittedly also played a role in this. In the period 1 April 2020 to 30 April 2021, SCC held **149** formal remote committee meetings and the average attendance was **89%**.

- No significant member conduct issues occurred during remote meetings and no conduct issues were raised with the Monitoring Officer because of remote meetings.
- As a result, SCC did not consider a change in its Member Code of Conduct was necessary as a result of holding remote meetings.

2. Public Engagement

- In addition to making formal public participation (questions, petitions) available through Microsoft Teams, all SCC regulatory, scrutiny and local committee meetings were webcast in public, which meant that anybody could watch and listen for the duration of these meetings. The total number of webcast viewings for the period 1 April 2020 to 31 March 2121 was **18,960**.
- Numbers for public participation in remote meetings via questions and petitions did not differ by much from in person meetings before Covid restrictions, but it is accepted that SCC is a county council and that public engagement in committee meetings has always been lower than at district and borough level.
- Provision is made in the SCC constitution for the public to ask questions and have been drafted in such a way so as to promote accessibility and participation, whether remotely or in person.
- The ease of engagement via remote meetings had been noted at local committee meetings.

3. Relationships within the Council

- Remote meetings have created a more collaborative culture at SCC.
- Members and officers embraced the remote meeting culture and procedures and worked well together.
- Members from the different political groups on the council have worked well together in remote meetings with no significant confrontations.

4. Meeting formats

- While fully remote or in person meetings are easier to manage and control, the issue of hybrid meetings for members, specifically their validity and advantages, should be clarified in future regulations.
- The question on whether officers have to attend formal meetings in person or remotely should be the prerogative of individual authorities.
- Authorities should also retain the prerogative to decide whether in-person meetings should be webcast or not while accepting that it is important to ensure that council meetings are as accessible as possible to the public.