

URGENCY COMMITTEE

Minutes of the meeting held at 10.00 am on 6 May 2020

Present:

Councillor Colin Smith (Chairman)

Councillors Nicholas Bennett MA J.P., Simon Fawthrop, Peter Fortune, Melanie Stevens, Pauline Tunnicliffe and Angela Wilkins

Also Present:

Councillor Vanessa Allen, Councillor Graham Arthur, Councillor Yvonne Bear, Councillor Mark Brock, Councillor David Cartwright QFSM, Councillor Ian Dunn, Councillor Robert Evans, Councillor Hannah Gray, Councillor William Huntington-Thresher, Councillor Josh King, Councillor Angela Page, Councillor Suraj Sharma, Councillor Diane Smith, Councillor Gary Stevens, Councillor Kieran Terry and Councillor Michael Turner

11 APOLOGIES FOR ABSENCE

No apologies for absence were received.

12 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

13 MINUTES OF THE MEETING HELD ON 19 MARCH 2020

RESOLVED that the minutes of the meeting held on 18th March 2020 be confirmed.

14 REMOTE/VIRTUAL MEETINGS RULES AND PROCEDURES Report CSD20063

This report was considered as a matter of urgency in order to ensure that effective decision making could continue whilst democratic accountability was preserved during the coronavirus pandemic.

On 19th March 2020, the Urgency Committee and a special meeting of the Executive agreed decision making arrangements for the rest of the Municipal year in light of the COVID-19 Pandemic. At the time of the meetings Local Authorities were unable to hold remote or virtual meetings. However the Government had since passed the Coronavirus Act 2020 and [The Local Authorities and Police and](#)

[Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) which authorised holding remote meetings as long as certain criteria were met. The regulations were time limited and only applied to meetings taking place before 7th May 2021.

The measures were designed to help local authorities redeploy their resources to deal with the pandemic and ensure essential business continued whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance.

At present, remote meetings were the only option for Member decisions where a meeting was required as the ability to undertake remote meetings made it extremely difficult to argue that even meetings where social distancing was practised complied with the exceptions in regulation 6 of the Health Protection (Coronavirus Restrictions) Regulations 2020 (as amended), which permitted individuals to leave their homes and regulation 7 which prohibited gatherings of more than 2 people save in the most exceptional circumstances.

The Director of Corporate Services provided an overview of the report highlighting the importance of establishing “ground rules” which provided a fair and transparent process balancing democracy with the inherent restrictions of virtual meetings. The retention of meetings of the Executive, Resources and Contracts PDS (ERC PDS) Committee would ensure accountability and public scrutiny within the decision making process. In relation to the meetings that were scheduled to take place in May 2020, the Director of Corporate Services noted that the General Purposes and Licensing Committee would meet to consider a single issue. The Special Council meeting that had been scheduled would be cancelled as it was no longer needed following the decision taken by the Government to extend the deadline for submission of accounts. Looking into June 2020, PDS meetings would not take place however, Members would still have the opportunity, through other mechanisms such as email and conference call, to scrutinise any urgent Portfolio Holder decisions that may be required during this time. ERC PDS would continue to meet and would perform the Council’s key scrutiny function.

In opening the discussion the Leader sought assurances that efforts would be made to facilitate public presence and participation when more controversial planning applications were considered and discussed, citing the Porcupine/Lidl application in Mottingham as an example. In response the Director of Corporate Services acknowledged that however transparent the Council made remote meetings it would not be possible to replicate a “traditional” local authority meeting held in public and efforts continued to be made to put in place arrangements to facilitate public attendance as soon as practicable.

Another Member expressed concern that the recommendations set out in the report would impact on the democratic decision making process - the technology and legal framework was now in place to hold virtual meetings so there was no need cancel all the scheduled PDS meetings. In response, the Chairman of ERC PDS recognised that it was not easy to run a virtual meeting in public and provided assurances that ERC PDS would scrutinise all Executive/Portfolio Holder decisions where necessary. The arrangements would not prevent other PDS

committees from scrutinising decisions; however this scrutiny did not necessarily have to take place via a virtual meeting. The Leader noted that no PDS Committee meetings would be cancelled in May 2020. Whilst all Members had concerns about the democratic principle ERC PDS would be fulfilling the scrutiny function for all portfolios and it was hoped that looking to the future the possibility of hybrid meetings would provide further options. In response to a suggestion from a Member that a rolling approach be taken to the cancellation of meetings, the Director of Corporate Services confirmed that whilst there was a degree of flexibility there should be a presumption that in general - unless the situation changed - meetings would not be going ahead.

Prior to the meeting Councillor Wilkins had asked whether recommendation (c) could be amended from “The Chief Executive with the agreement of the Mayor and the Leader is authorised to reinstate the meeting programme *at any time*” to “The Chief Executive with the agreement of the Mayor and the Leader is authorised to reinstate the meeting programme *as soon as possible*”. This request had been agreed by Councillor Smith and was unanimously accepted by the Committee.

The Urgency Committee agreed that as the current situation was continually changing the proposals before the Committee if agreed should be regularly reviewed as and when the advice/approach from the Government changed. In any event there should be a review of the arrangements no later than the end of June 2020.

Members of the Urgency Committee noted that a number of staff across the Council had been seconded into new roles in response to the pandemic and questioned whether, as a result of this, the work profile of PDS Committee business would remain the same. It was also noted that there were a number of Councils across the country that had, as a matter of course, only one scrutiny committee and it therefore made sense for items for scrutiny to be considered by ERC PDS. In response, the Chief Executive confirmed that a review of Key Decisions was being undertaken and there was no outstanding urgent business that was not related to COVID-19.

Turning to the Annual Council meeting on 13th May 2020, it was noted that in order to facilitate the smooth running of the meeting it would be helpful to have an advanced list of Members who wished to speak. It was also noted that the quorum for the meeting was 20 Members.

A Member further noted that about a third of councillors were either over seventy or approaching seventy and as such there would be an ongoing need for social distancing as lockdown measures began to ease. It was noted that the set up in Committee Room One was not conducive to the social distancing that was likely to be required for the foreseeable future and Members questioned whether consideration had been given to other venues such as the Great Hall. In response the Director of Corporate Services confirmed that the Great Hall was currently being used for operational purposes but could be one option going forward as and when it was available. Other options included the Council Chamber and Committee Rooms 2 and 3. It was likely that there would be a requirement for

more hybrid meetings going forward and webcasting was a further option. Arrangements would need to be in place to ensure that those people present in the room were able to hear participants accessing the meeting remotely and further consideration would need to be given to this. The Chief Executive highlighted that the accommodation strategy at the Civic Centre would be key going forward. Accommodation capacity would be reviewed over the coming days in light of advice from Public Health England. Once this review had taken place Officers would be in a better position to further update Members.

It was also suggested that it would be helpful for Members to review the emergency work that was being undertaken by staff across the organisation in response to the pandemic and to see how the funding from government was being spent which the Leader was very keen to endorse to showcase the excellent work being carried out by staff across the organisation in response to the ongoing crisis. The Chief Executive confirmed that a report was being compiled which set out the approach across Bromley and the lessons that had been learnt. The report would be presented to a future meeting of the Executive and made available to all Councillors.

The Leader proposed that the recommendations, as amended, should be agreed along with the additional recommendation concerning regular review of decision making arrangements. The motion was put to the vote and CARRIED.

(Councillor Wilkins requested after the meeting that her opposition to recommendations (a), (b), and (f) be recorded)

RESOLVED: That

(1) The rules and protocols for virtual meetings at Appendix 2 of this report are agreed.

(2) The programme of meetings is suspended with the exception of Executive, Resources and Contracts PDS Committee, Development Control Committee, Planning Sub-Committees and Licensing Sub-Committee meetings.

(3) The Chief Executive with the agreement of the Mayor and the Leader is authorised to reinstate the meeting programme as soon as possible.

(4) During the period that meeting programme is suspended the Mayor or the Chairman of a relevant committee or sub-committee can require that a meeting of Council or a relevant committee is called.

(5) Where a non-executive matter (save for a licensing or planning decision) is not reserved to Members the Chief Executive with the agreement of the Mayor or the relevant committee Chairman may make that decision.

(6) Members views are sought on whether they wish to voluntarily limit the number of Members who directly participate in a virtual/remote Annual Meeting.

(7) Attendance at a virtual meeting will count towards attendance under the 6 month rule; if a Member is unable to attend a virtual meeting because any committee or other qualifying body they are appointed to does not hold any meetings or through persistent IT failure and is prevented from attending a face to face meeting because of social distancing rules then this shall be considered an approved reason for non-attendance under section 85 Local Government Act 1972 until 7th May 2021.

(8) A single officer signature is, until future notice, sufficient for all documents executed under seal.

(9) There should be a regular review of the arrangements as and when the advice/approach from the Government changes. In any event there should be a review of the arrangements no later than the end of June 2020.

The Meeting ended at 10.43 am

Chairman