



GOVERNANCE COMMITTEE

TUESDAY, 4 MAY 2021

10.45 AM, COUNTY HALL, LEWES

++Please note that this meeting will be taking place remotely++

MEMBERSHIP - Councillor Keith Glazier (Chair)
Councillors Nick Bennett, Godfrey Daniel, Rupert Simmons and David Tutt

A G E N D A

- 1 Minutes of the meeting held on 2 March 2021 *(Pages 3 - 4)*
- 2 Apologies for absence
- 3 Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
- 5 Coronavirus meeting arrangements *(Pages 5 - 12)*
Report by Assistant Chief Executive
- 6 Any other items previously notified under agenda item 4

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23 April 2021

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NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website. The live broadcast is accessible at:
www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm

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GOVERNANCE COMMITTEE

MINUTES of a meeting of the Governance Committee held at Committee Room, County Hall, Lewes on 2 March 2021.

PRESENT Councillors Keith Glazier (Chair), Nick Bennett, Godfrey Daniel, Rupert Simmons and David Tutt

36 MINUTES OF THE MEETING HELD ON 26 JANUARY 2021

36.1 RESOLVED – that the minutes of the previous meeting of the Committee held on 26 January 2021 be confirmed and signed as a correct record.

37 CORONAVIRUS MEETING ARRANGEMENTS

37.1 The Committee considered a report by the Assistant Chief Executive regarding proposals in relation to Council meetings in the context of coronavirus.

37.2 The Committee RESOLVED to:

1. note the current position in relation to Council meetings;
2. recommend the County Council to agree:
 - (i) to delegate authority to the Chief Executive to determine the venue for the Annual Meeting and make the necessary arrangements accordingly;
 - (ii) that the standing orders relating to virtual meetings continue and are reviewed by the newly elected Council in July 2021 or as soon as practicable thereafter; and
 - (iii) to extend for the period pending the review referred to in (ii) above the Council's agreement whereby Member non-attendance at a meeting due to issues related to Coronavirus or the virtual nature of the meeting be considered as an absence for a reason approved by the Council in relation to attendance requirements.

38 PAY POLICY STATEMENT

38.1 The Committee considered a report by the Chief Operating Officer regarding the Pay Policy Statement for 2021/22..

38.2 The Committee RESOLVED to recommend the County Council to approve the updated Pay Policy Statement for 2021/22 as set out at Appendix 1 of the report.

39 STAFF LEAVE POLICY - ELECTION DUTIES

39.1 The Committee considered a report by the Chief Operating Officer on the proposed approach to granting staff paid leave to undertake election duties in May 2021.

39.2 The Committee RESOLVED to agree the proposed approach to granting staff paid leave to undertake election duties in May 2021 as set out in paragraph 2.4 of the report.

40 LMG PAY OFFER

40.1 The Committee considered a report by the Chief Operating Officer regarding the LMG pay offer for 2021/22.

40.2 The Committee RESOLVED to defer consideration of the pay offer to LMG Managers until the level of the national NJC pay award for local government staff is known but without any obligation on the part of the County Council to accept parity with the national award.

Report to: Governance Committee

Date of meeting: 4 May 2021

By: Assistant Chief Executive

Title: Coronavirus meeting arrangements

Purpose: To consider proposals in relation to Council meetings in the context of coronavirus (Covid-19)

RECOMMENDATION: The Committee is recommended to:

1. Note the current position in relation to Council meetings.
 2. Note the options under consideration in relation to the Annual Council meeting and the existing delegation to the Chief Executive to determine the final arrangements.
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1 Background

1.1 In March 2021 the Committee considered ongoing meeting arrangements in the context of Covid-19 and the expiry on 7 May 2021 of the the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) which expressly permitted the holding of virtual meetings during the pandemic. In light of the ongoing uncertainty around the holding of virtual meetings the Committee recommended, and County Council subsequently agreed:

- (i) To delegate authority to the Chief Executive to determine the venue for the Annual Meeting and make the necessary arrangements accordingly;
- (ii) That the standing orders relating to virtual meetings continue and are reviewed by the newly elected Council in July 2021 or as soon as practicable thereafter; and
- (iii) To extend for the period pending the review referred to in (ii) above the Council's agreement whereby Member non-attendance at a meeting due to issues related to Coronavirus or the virtual nature of the meeting be considered as an absence for a reason approved by the Council in relation to attendance requirements.

1.2 Since March there have been further developments in relation to the legality of virtual meetings from 7 May. Government confirmed that it did not intend to extend the temporary Regulations, but subsequently supported legal action brought by Hertfordshire County Council, with support from the Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG), which aimed to establish the legality of virtual meetings under existing legislation (the Local Government Act 1972). This case was heard on 21 April and the court judgement released on 28 April. The case was dismissed, with the court concluding that "once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being "present" at such a meeting involves physical presence at that location". This confirms that virtual committee and Council meetings will not be permitted from 7 May unless further legislation is passed. The Ministry of Housing, Communities and Local Government has issued a call for evidence on the longer term future

of virtual meetings with a closing date of 17 June. The Council will prepare a response for submission before the closing date.

1.3 Alongside Government confirmation that the Regulations would not be extended, national Covid-19 [guidance on the safe use of council buildings](#) was updated to highlight ways in which local authorities can, if necessary, minimise the risk of face-to-face meetings. Where elected Members, officers and others attend physical meetings, authorities are advised to maintain social distancing wherever possible. Where the social distancing guidelines cannot be followed in full in relation to a particular meeting, local authorities should consider whether that meeting can be redesigned to maintain a 2m distance or 1m with risk mitigations where 2m is not viable. Where the social distancing guidelines cannot be followed in full, even through redesigning a particular meeting, local authorities should consider whether that meeting needs to continue for the local authority to operate, and if so, take all the mitigating actions possible to reduce the risk of transmission between Members and others. Social distancing applies to all parts of a local authority building, not just the place where elected Members are meeting, but also entrances and exits, toilets, break rooms, canteens and similar settings. The guidance notes that ultimately it is for local authorities to carry out their own risk assessments and follow the working safely guidance to ensure physical meetings take place safely.

1.4 The guidance advises local authorities to consider holding any physical meetings after 17 May at which point it is anticipated that a much greater range of indoor activity can resume in line with the [Roadmap](#) set out by Government in February. Notwithstanding that the meeting will take place on the 25 May the measures set out above are expected to remain in place as the national review of social distancing is not due to conclude before 21 June.

2 Current position

2.1 The requirement to hold physical meetings from 7 May presents considerable challenges in terms of holding these with appropriate Covid-secure measures in place in line with the national guidance and local risk assessment. These issues most significantly affect the holding of the annual Council meeting on 25 May due to the number of participants. Two options are available for holding a physical Council meeting:

- A meeting at County Hall with a range of mitigation measures in place.
- A meeting at an external venue with a range of mitigation measures in place.

3 Physical meeting – County Hall

3.1 Risk assessment by Property Services and review and advice from Public Health has indicated that a meeting could be held in the Council Chamber at County Hall with 1m+ social distancing and a range of measures in place to mitigate Covid risks. The mitigations would include:

- Utilising the side areas in CC1 and CC2 and the well of the Chamber for Member seating to allow for maximum spacing (indicative layout and photos attached at **appendix 1**)
- Utilising the air conditioning system in the Chamber which includes automatic CO2 monitoring and adjustment. CO2 testing to be in place during the meeting.
- Minimising the number of officers in attendance.

- Restricting the agenda to essential business in order to minimise the length of the meeting. The next Full Council meeting will be in July by which time it is anticipated that the national review of social distancing will have taken place.
- Briefing Members in advance in relation to Covid measures in place at County Hall and specific arrangements for the meeting.
- Requesting that all Members and staff attending take a Lateral Flow Test four days before the meeting (with confirmatory PCR test if positive) and the night before the meeting. Anyone with a positive test would be required to self-isolate and not attend.
- Temperature checks for all attendees on arrival. Anyone with an elevated temperature would be re-tested after a short interval and if still elevated, advised that they should not attend as this is an indication of possible Covid infection.
- Members to wait in cars/outside until necessary to enter the building.
- Staggered and escorted entry to the Chamber for cohorts of Members entering the building via different routes and via different toilet facilities, and minimising subsequent movement around the building.
- Minimising the number of staff working from County Hall on the day of the meeting.
- Additional cleaning of the Chamber before the meeting and hand sanitiser and antibacterial wipes utilised on the day.
- Providing all attendees with a fresh mask to wear at all times in the building including when speaking in the meeting.
- We have always been committed to open and transparent meetings and were one of the first councils in the country to introduce virtual meetings at the start of the pandemic. With the expanded layout there will however be very limited capacity for members of the public in the Chamber. Public attendance in person always has been and always will be limited by capacity. Health and safety considerations and social distancing will further limit capacity even with masks, sanitiser and ventilation. Options being considered include facilitating public access to the meeting from the Committee room using hybrid meeting equipment.
- The meeting would be webcast as normal.
- Offering Members the option to complete an individual risk assessment to inform their decision on attending the meeting.

4 Physical meeting – alternative venue

4.1 We have also sought an alternative, larger, venue which would be capable of accommodating all Members and the necessary officers with 2m social distancing. Venues of this size which meet other basic requirements such as accessibility are limited within the county. A number of private venues approached were either closed or uncertain about taking a booking for May given ongoing national restrictions on gatherings. The only suitable venue identified was the Eastbourne Conference Centre, within the Welcome Building. This venue, owned by the Borough Council, is currently being used as a vaccination centre but a large room, the Shackleton Hall, is available and accessible via a separate entrance adjacent to the vaccination centre entrance.

4.2 The Shackleton Hall is sufficiently large to allow seating at 2m intervals. However, similar mitigation measures to those outlined in 3.1 above would still need to be in place, adapted for the venue.

4.3 There are some significant disadvantages to the use of this venue:

- Hired audio and webcasting equipment brings a risk of unforeseen technical issues. There would be a limited number of microphones, requiring most councillors to walk

to a shared microphone in order to speak given the hygiene risk of hand-held roving microphones.

- Toilet facilities are limited and are shared with the vaccination centre.
- We do not have control of the building in terms of managing the meeting and risks.
- There is no dedicated parking.
- Wifi access requires a registration process, which may present technical difficulties.

5 Conclusion and Reason for Recommendation

5.1 Local authorities will be required to hold physical Council and committee meetings following the expiry on the 7 May of the Regulations which have permitted the holding of virtual meetings during the pandemic. This presents considerable challenges while social distancing and other Covid restrictions remain in place, most significantly in terms of the annual Council meeting on 25 May.

5.2 Two options are available for holding the annual meeting physically. Public Health advice is that the distancing within the meeting room is not the determining factor and that Covid-related risks and available mitigations associated with each option must be considered holistically. Whilst the Eastbourne Conference Centre venue is larger and allows for 2m distanced seating this is offset by additional risks in relation to access, toilet facilities and limited control of the building. The Council Chamber has reduced space and distancing but mitigations will be in place, with additional controls in relation to entry, exit and toilet facilities. There are significant logistical advantages to County Hall given our control over the building and technology.

5.3 Authority has been delegated to the Chief Executive to determine whether the meeting should take place at a venue other than County Hall, what venue the meeting should be held at and to make the necessary arrangements. The committee is invited to note and comment on the options under consideration which will be subject to further risk assessment and planning before a decision is taken under the existing delegation.

PHILIP BAKER

Assistant Chief Executive

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CC1 Entrance

Chamber
entrance

CC2 Entrance





