

Appendix 1:

Kent County Council submission to the Call for Evidence into Local Authority Remote Meetings

Call for Evidence closed on 17 June 2021

NB: Question 1-6 were about who was submitting the response. These are not included.

Background: <https://www.gov.uk/government/consultations/local-authority-remote-meetings-call-for-evidence/local-authority-remote-meetings-call-for-evidence>

Where options were given, the KCC response is in bold and underlined.

The additional evidence discussed in Questions 9 and 10 are in Appendices 1a and 1b

KCC responses:

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

- **Very Well**
- Well
- Neither well nor poorly
- Poorly
- Very Poorly
- Unsure

Please explain your answer in more detail, though note you will be asked about specific advantages and disadvantages of remote meetings in further questions.

Free Text:

The powers given to us under SI/2020/392 have enabled us to hold our formal meetings remotely and have been essential in enabling us to continue functioning as near to normal as is possible in the wider circumstances. Kent County Council rose to the challenge of switching to working remotely quickly and professionally.

It would have been possible for Officers to take many of the decisions currently taken at meetings under urgency procedures, and for Key Decisions to be taken by Executive Members without any discussion in public or wider engagement with Members beforehand. However, Kent County Council took the view that this would have reduced the democratic accountability and transparency of local government. Councillors are elected by the people of Kent to take decisions on their behalf, and the remote working arrangements allowed this decision-making to continue largely as before the pandemic and to enable them to be held accountable for these decisions. Some of the commentary around the ending of the virtual meeting regulations seems to assume local government could just default to a system of

Officers and a small number of Members taking all the decisions unilaterally. This is unhelpful and unsustainable over the longer term. It is particularly surprising that Government would suggest such an approach given the way Parliament recognised the importance of their role and debate during the pandemic. In any event, urgency procedures should not be used for a prolonged period.

8. 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**
- No
- Unsure

Please explain your answer in more detail.

Free Text:

The specific benefits will be picked up in answers below, but in general terms the local authority is best placed to determine what arrangements are most suitable for managing the business of the Council. Separate from the question as to whether local authorities should be able to hold remote meetings, there is a system of rules, checks and balances, from the statutory scrutiny function to the Annual Governance Statement which are in place to ensure a local authority is well-run. The Secretary of State also has reserved powers to intervene where it is not. These will still be in place whatever the outcome of this consultation.

If anything, the ability to determine arrangements locally should strengthen local governance by giving Members greater ownership of them and being able to ensure that these arrangements deliver for the residents of Kent as efficiently and effectively as possible.

Having this ability on a permanent basis does not mean that all meetings will become virtual/remote. It is KCC's view that it is Kent County Council's elected Members who should decide how those meetings are arranged with advice from the Monitoring Officer.

Implementing legislation on a permanent basis does mean that local government decision-making becomes more future-proofed. Even were local authorities to move back to a complete schedule of physical meetings, there are many events (including future pandemics) which could necessitate a need to move to remote meetings. Were the opportunity not taken now to enshrine the ability, there may be a need to introduce emergency legislation in the future, taking up limited parliamentary time, and subsequently result in a similar consultation on the same topic in the future.

In recent weeks, the absence of this legislation has impacted on KCC's ability to transact business and has increased cost and the environmental impact of our meetings. Where social distancing obligations persist, our ability to host meetings in our usual meeting place has been compromised. In particular for our full Council meetings, we have had to use large halls which are not suitable for effective political

debate. They are also expensive to arrange and host in terms of cost and the officer resources to arrange.

Government are asked through this consultation to properly read and understand the entire legal framework that applies for meetings. Government are also respectfully asked to understand the different types of Council which range from London Boroughs (which cover relatively small geographic areas with concentrated populations) to Counties such as Kent and Cornwall (which are large geographic areas with dispersed populations and a peninsular nature). Given these factors, the arrangements for meetings will be contingent on local factors and local democratic intentions.

One further consideration for government is the continuing nature of the pandemic. Our May council meeting was arranged for a physical venue in Canterbury that then was subject to a local outbreak and needed to be moved. The relevant regulations required considerable additional administration to simply change the venue. If there are further local outbreaks the ability to transact our business is materially impacted.

9. What do you think are some of the benefits of remote meetings?

- **More accessible for local authority members**
- **Reduction in travel time for members**
- **Meetings more easily accessed by local residents**
- Greater transparency for meetings
- Documents (e.g. minutes, agendas, supporting papers) are more accessible
- Easier to chair meetings in an orderly fashion
- **A virtual format promotes greater equality in speaking time during meetings**
- I do not think there are any benefits to remote meetings
- Other (please specify below)
 - **Encouraging political participation.**

For each benefit you have selected, please explain each of your answers in more detail.

Free Text:

More accessible for local authority Members/Reduction in travel time for Members – Kent is one of the larger local authority areas in terms of geography and travelling to County Hall in Maidstone, while a fairly central location, can take over an hour for many Members. The data on this is set out in the answer to Q10. Many Members of Kent County Council have other responsibilities – work, caring, community roles and so on – and the ability to join meetings remotely enables these Members to better balance these with the roles of a Member. Local government is rooted in the tradition of local people volunteering a portion of their time to serve the community. These are not full-time paid positions unlike Members of Parliament. With the pressures of modern life, virtual meetings will allow this to continue. This needs to be qualified by pointing out that the role of an Executive Member can be the equivalent of a full-time role and the additional flexibility of virtual meetings can help here as well.

The evidence set out in the file uploaded with this answer demonstrates this. Full Council and two Committees were chosen to demonstrate the increase (rather than the aggregate number of meetings which might be misleading). Attendance at full Council was improved by almost 10%. As a proxy for wider engagement in Council business, the number of meeting page views also increased.

Meetings more easily accessed by local residents – in a sense this aspect has remained the same in that our meetings were webcast live prior to the pandemic, with the numbers of physical visitors quite low. However, with webcasts of physical meetings there was the limiting factor that Members might not use microphones or their contributions not otherwise be picked up. This might mean that some people felt the need to be present at the physical meeting. A remote meeting equalizes this, everything that is said in the meeting is captured and the public hear everything that the Committee does.

A virtual format promotes greater equality in speaking time during meetings – Although it is difficult to quantify this, the views of Clerks in the meetings is that Members who did not say much in physical meetings both attend and participate more than previously. Several Members have also reported that they feel more able to participate, with the proceedings less able to be dominated by a small number of more forceful personalities.

Encouraging political participation – At an event that the Council held for those interested in becoming a Councillor in the future, there was a strong view expressed by the members of public participating that the continuation of remote meetings was something that would encourage them to stand. Kent County Council holds daytime meetings and as set out above, remote meetings are less disruptive to other responsibilities than being required to travel for a physical meeting.

If you have quantitative evidence that you would like to upload e.g. a spreadsheet of meeting attendance, please upload a file using this link.

(See Appendix 1a)

10. [For local authorities only] Have you seen a reduction in costs since implementing remote meetings in your authority?

- **Yes**
- No
- Unsure

Please explain your answer in more detail.

Free Text:

As set out in the accompanying file, in a County the size of Kent, the reduction in Member mileage and transport claims has been considerable, with a consequent reduction in expenses paid of almost £100,000 over the year. With Members online for the meetings, it has also been easier to push towards reducing the number of physical agendas published for Members. Both of these have a positive environmental impact as well and contribute towards the zero-carbon target.

The accompanying file also demonstrates that Kent County Council has resumed an average pattern of monthly meetings, the overall reduction being due to the first lockdown and adjustment period. The savings being realised are therefore based on a business-as-usual model and not simply by holding fewer meetings.

If you have quantitative evidence that you would like to upload e.g. a spreadsheet of monthly expenses, please upload a file using this link.

(See Appendix 1b).

11. What do you think are some of the disadvantages of the remote meetings arrangements?

- **It is harder for members to talk to one another informally**
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- There is less opportunity for local residents to speak or ask questions
- Some find it more difficult to read documents online than in a physical format
- Debate is restricted by the remote format
- It is more difficult to provide effective opposition or scrutiny in a remote format
- It is more difficult to chair meetings in an orderly fashion
- Virtual meetings can be more easily dominated by individual speakers
- It might enable democratically elected members to live and perform their duties outside their local area on a permanent basis, therefore detaching them from the communities they serve
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is conducted
- I do not think there are any disadvantages to remote meetings
- Other (please specify)

For each disadvantage you have selected, please explain each of your answers in more detail

Free Text:

The mitigation for the selected item is set out below in the next text box.

Officers at KCC quickly instituted a one-to-one training programme for those Members that required it and our ICT support service was able to help where connectivity was an issue. The lessons learned over the last year have meant that we have thought differently about the IT offer we will be making for Members in the future to ensure they can best access remote meetings in the future.

While Members still have connectivity issues at times, as we all do, this is no more of a disruption to meeting attendance than traffic problems would be for physical meetings.

For each disadvantage you have selected, please explain any suggestions you have to mitigate/overcome them.

Free Text:

It is harder for members to talk to one another informally - Use of the Teams platform has enabled Members to attend pre-meetings and Political Group meetings and so still discuss issues outside of the formal meeting setting. The Chairman of the Council has also arranged 'virtual lunches' where Members have been able to come together. In terms of being able to prepare appropriately for formal meetings, this has all gone a long way to mitigating this disadvantage.

As set out elsewhere, remote meetings have improved Member participation and engagement, which offsets this issue.

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

Please provide your answer in the box below

Free Text:

The main advantage is related to the answer in the previous question. It is easier for Members and officers to assess the mood of a meeting from body language and other cues, and to assess whether views are being changed. This is more a challenge for political management rather than a problem of meeting management. As set out above, there are ways to mitigate this and is offset by remote meetings being less able to be dominated by more forceful Members.

In addition, were the power to hold remote meetings to be granted, it is likely that it will be the more routine meetings which will be held remotely, with those of greater political controversy dealt with in a physical meeting.

13. 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?

- **For all meetings**
- For most meetings with a few exceptions (please specify)
- Only for some meetings (please specify)
- I think local authorities should be able to decide for themselves which meetings they should have the option to hold remotely
- I do not think local authorities should have the option to hold any meetings remotely
- Unsure

Please explain your answer in more detail.

Free Text:

The first and fourth options are effectively the same. For local authorities to be able to decide which meetings to hold remotely, the option needs to apply for all meetings. As set out above, each local authority is best placed to make this

determination, and to make changes if circumstances differ, such as a substantial minority of a given Committee needing the flexibility of remote meetings. A Council operating a Leader and Cabinet model of governance would have different requirements to one operating the Committee system.

It would be arbitrary to include some meetings and exclude others. Given the different governance models any criteria would make for overly complicated regulations that might leave unfortunate gaps. It could also lead to 'gaming' the system, where a Council decides to revise the Terms of Reference of Committees and/or manage business in a different way just to bring a meeting inside/outside the scope of any future regulations. This would not be healthy for transparency or local accountability.

14. 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?

- **In any circumstances**
- Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, Coronavirus restrictions)
- I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings under any circumstances
- Other (please specify)
- Unsure

Please explain your answer in more detail.

Free Text:

The first and third options above are essentially the same. The freedom to determine the conditions needs to allow remote meetings in any circumstances.

The problem with adding restrictions such as weather or Coronavirus is that it either means a subjective decision made locally, opening up the possibility of 'gaming' or challenge (up to and including judicial review, which comes with an opportunity cost to the authority), or leave local authorities waiting for a determination from central government, which might be no real difference to the current situation of awaiting emergency regulations.

In addition, regulations allowing remote meetings are also likely to enable hybrid meetings. Hybrid meetings have not been used at Kent County Council but they could be useful in times of localised outbreaks. However, without full local flexibility around things like being able to properly manage public attendance levels where social distancing is required (with compensating facilities to watch the meeting on a screen made available), the meeting may breach social distancing rules and so not be able to continue.

15. 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?

- Yes
- **No**
- Unsure

Please explain your answer in more detail.

Free Text:

As set out in the preceding answers, the balance is in favour of allowing total local discretion. The local rules adopted regarding remote meetings would and should be for approval by full Council, and so involve all Members having oversight.

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

Please provide your answer in the box below

Free Text:

N/A

17. 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**
- No
- Unsure

Please explain your answer in more detail.

Free Text:

If anything, the ability to hold remote meetings increases a local authority's ability to ensure any individuals with protected characteristics can benefit. This is one reason why total local flexibility has been argued for earlier. Members in different circumstances may find remote working, say from home, would better enable their needs to be met.

Considering meetings from the angle of neurodiversity, remote meetings are more comfortable for some people (including many Members), and so allow their strengths to be better demonstrated in these meetings.

As mentioned above, our evidence locally suggests the ability to attend meetings remotely would make standing for election more attractive to a wider cross-section of society and so contribute to making the Council more representative of its population.