

From: Ben Watts, General Counsel
To: Cabinet – 27 April 2020
Subject: Governance Update on Virtual Meetings - The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) England and Wales) Regulations 2020 - SI 2020 392
Classification: Unrestricted

1. Introduction

- (a) In line with provisions in the Coronavirus Act, regulations have come into force giving local authorities the ability to take a more flexible approach to holding meetings. However, it is not as straightforward as simply being able to include all Members of a Committee on a conference call and deem that a meeting.
- (b) Notice still needs to be given for meetings and the Agendas need to be made available online. The public's right to observe meetings remains the same and so provision needs to be made for the public to hear the discussion and see it where possible as well.
- (c) The regulations are written so that each local authority can tailor their ability to hold virtual meetings to the technology they are able to put into place. Thought needs to be given to how best to use the technology to ensure the business of the Council can be conducted fairly and without any participant or observer being unduly disadvantaged.
- (d) Formal meetings held virtually are still formal meetings, and while the procedures and rules remain the same as when all Members are present in the same room, it will be a different way of working.
- (e) Government has expressed a clear view through their communication on lockdown around the importance to avoid meeting in person. Over the past month, my staff have been testing a range of solutions to facilitate wholly virtual meetings. We will continue to refine processes and procedures to improve the experience of attendees and viewer alike in the coming weeks and months.
- (f) It is my view that the formal Constitution does not need changing. The regulations state that any standing orders that a Council may have are superseded by the change in law. This would be the case anyway when the law changes and this is captured in section 6.2 of the Constitution. Given that these changes are only temporary, we would risk having a Constitution that required amending almost as soon as we amended it to take these regulations into account.

- (g) Similarly, the Constitution provides me, in my capacity as Monitoring Officer, with discretions around Governance that may be necessary to exercise in the current emergency and in the creation of virtual meetings. I will keep all Members updated regarding these and will provide a full Governance update to the next County Council meeting (virtual or otherwise) in relation to any use of such discretion or delegation.
- (h) We will be working to arrange a number of virtual meetings over the coming weeks and months based on organisational need. Members are asked to specifically note the impact of dealing with the current COVID-19 emergency on the availability of officers to draft papers and attend meetings.

2. Protocols for Virtual Meetings

- (a) Kent County Council has a more streamlined and flexible Constitution compared to many similar authorities and our way forward is that each Committee will adopt a set of supplementary protocols to guide how virtual meetings will be run. This will enable Members to have a common point of reference and to understand how business will be conducted. For members of the public observing our virtual meetings, this will improve transparency and understanding of the democratic process.
- (b) The Council already has in place a robust set of policies and procedures around urgent decision-making and this system will continue to operate alongside the virtual meetings we arrange.

3. Recommendation:

That the Cabinet:

- (a) note the report; and**
- (b) agree the Protocols.**

4. Background Documents

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) England and Wales) Regulations 2020 - SI 2020 392, <http://www.legislation.gov.uk/uksi/2020/392/contents/made>

5. Contact details

Report Author and Relevant Director:

Ben Watts, General Counsel 03000 416814
benjamin.watts@kent.gov.uk