



COUNCIL MEETING

TUESDAY, 13 APRIL 2021

ORDER PAPER

ORDER PAPER (Pages 1 - 26)

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WEDNESDAY 13 APRIL 2021

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WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014.

The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

On behalf of all councillors, I would like to welcome you to this evening's meeting, which we are holding remotely as permitted under current Regulations due to the ongoing Covid-19 pandemic and government guidance. The Council has therefore made arrangements to hold the meeting virtually via Microsoft Teams, which is being streamed live and recorded and will be available for repeated viewing afterwards for up to 180 days from the date of this meeting.

If members of the public do not have an internet connection or access to a computer, they will be able to dial into the meeting and hear the proceedings but will not be able to participate, unless they have registered to speak. A message has been posted on the website in this regard. For public speakers, by participating virtually in the meeting you are consenting to being filmed and recorded, and the possible use of those images and sound recordings for webcasting and / or training purposes.

I should be grateful if participants in this meeting would ensure that:

- your cameras and microphones are turned off at all times unless you are speaking during the meeting
- your mobile phones and other hand-held devices are switched to silent during the duration of the meeting
- you minimise background distractions

This Order Paper sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any matter on the agenda or any matter relating to the Council's functions, powers or duties. It also sets out details of any questions submitted by councillors on any matter relating to the Council's functions, powers or duties or any matter which affects the Borough, or any motions and amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under Item 6 (Public Participation), they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

Councillor Richard Billington
(The Mayor of Guildford)

| Time limits on speeches at full Council meetings: | |
|---|------------|
| Public speaker: | 3 minutes |
| Response to public speaker: | 3 minutes |
| Questions from councillors: | 3 minutes |
| Response to questions from councillors: | 3 minutes |
| Proposer of a motion: | 10 minutes |
| Seconder of a motion: | 5 minutes |
| Other councillors speaking during the debate on a motion: | 5 minutes |
| Proposer of a motion's right of reply at the end of the debate on the motion: | 10 minutes |
| Proposer of an amendment: | 5 minutes |
| Seconder of an amendment: | 5 minutes |
| Other councillors speaking during the debate on an amendment: | 5 minutes |
| Proposer of a motion's right of reply at the end of the debate on an amendment: | 5 minutes |
| Proposer of an amendment's right of reply at the end of the debate on an amendment: | 5 minutes |

Note: Where it is necessary to conduct a vote by roll call, the name of each councillor present and eligible to vote will be read out in a random order rather than alphabetically by initial letter of surname.

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DISCLOSURES OF INTEREST

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

3 MINUTES (Pages 7 – 28 of the Council agenda)

To confirm the minutes of the budget meeting of the Council held on 10 February 2021 and the extraordinary meeting held on 4 March 2021.

4 MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5. LEADER'S COMMUNICATIONS

The Leader to comment on the following matters:

- COVID-19 update
- Changes to the Executive: which were as follows:

Following the resignation of the Deputy Leader of the Council, Councillor Caroline Reeves, the Leader announced the following changes to the Executive on 12 March 2021:

- the appointment of Councillor Jan Harwood as Deputy Leader of the Council;

- the appointment of Councillor Tom Hunt as the new Lead Councillor for Development Management;
- Councillor Julia McShane's lead councillor portfolio to include Housing and her portfolio title to change to Lead Councillor for Community and Housing;
- the Leader's portfolio of direct responsibilities to include Corporate Strategy and Communications.

Councillors shall have the opportunity of asking questions of the Leader in respect of his communications.

6. PUBLIC PARTICIPATION

Statement:

Mark Rostron to make a statement in respect of the matter referred to in agenda item 8 – Review of Taxi and Private Hire Licensing Policy.

The Lead Councillor for Environment to respond.

7. QUESTIONS FROM COUNCILLORS

No questions have been received from councillors.

8. REVIEW OF THE TAXI AND PRIVATE HIRE VEHICLE LICENSING POLICY

(Pages 29 - 292 of the Council agenda)

The Lead Councillor for Environment, Councillor James Steel to propose, and the Chairman of the Licensing Committee, Councillor David Goodwin to second, the adoption of the following motion:

“That the updated Hackney Carriage and Private Hire Licensing Policy, attached as Appendix 1 to the report submitted to the Council, be approved.

Reasons:

To ensure that the Council's Licensing Policy is updated to reflect the needs of the Borough and to account for the requirements of the Statutory Guidance issued under section 177 of the Policing and Crime Act 2017”.

Comments:

None

9. REVIEW OF ALLOCATION OF SEATS ON COMMITTEES: 2020-21

(Pages 293 - 302 of the Council agenda)

The Leader of the Council, Councillor Joss Bigmore to propose, and the Deputy Leader of the Council, Councillor Jan Harwood to second, the adoption of the following motion:

“That no change be made to the numerical allocation of seats on committees to political groups for the remainder of the 2020-21 municipal year.

Reason:

To enable the Council to comply with Council Procedure Rule 23 in respect of the requirement to review as soon as reasonably practicable the allocation of seats on committees whenever there is a change on the political constitution of the Council”.

Comments:

None

10 MINUTES OF THE EXECUTIVE (Pages 303 - 312 of the Council agenda)

To receive and note the minutes of the meetings of the Executive held on 26 January and 16 February 2021, which are attached to the Council agenda.

Comments:

None

11. NOTICE OF MOTION DATED 18 MARCH 2021: UNIVERSAL BASIC INCOME SCHEME (Pages 4 and 5 of the Council agenda)

In accordance with Council Procedure Rule 11, Councillor Steven Lee to propose, and Councillor George Potter to second, the following motion:

“The Council notes that many residents in Guildford are living in precarious circumstances. Furthermore, many who work in either the gig economy or under zero hours contracts lack the job security afforded to previous generations and that even those who may seem to be in traditionally safer employment are at a growing risk of redundancy from the increasing use of Artificial Intelligence and automation.

This Council notes that a Universal Basic Income (UBI) scheme has the potential to provide security for our residents and improve wellbeing thereby increasing financial security for everyone whilst safeguarding our most vulnerable residents.

Other Councils, including Sheffield, Mendip, Bristol, Oxford, Newbury Town, Richmond and Lewes have put themselves forward in support of UBI trials. This Council joins them to call for a trial scheme to be established in Guildford now so that the challenges and benefits of UBI can be properly researched and understood.

Accordingly, this Council

RESOLVES:

- (1) To engage with our local UBI lab in order to get funding for a pilot UBI trial in Guildford.
- (2) To call upon the government to fund UBI trials across the UK and to support trials of UBI in Guildford now and that the findings of these trials be published and used to assess the best way to implement financial security for every family.
- (3) To write a letter signed by the Leader of the Council and all leaders of the Groups on the Council choosing to support this motion and address it to: the Prime Minister; the Secretary of State for Work and Pensions; the Chancellor of the Exchequer; the leaders of all opposition parties in Parliament; all Surrey MPs and the media.
- (4) To send the aforementioned letter, accompanied by this motion to addressees and ask in it for a trial of Universal Basic Income in Guildford to be urgently established and funded by Government.”

Alteration of Motion:

Under Council Procedure Rule 15 (o), Councillor Steven Lee, as the mover of the original motion, has indicated that, with the consent of his seconder and of the meeting, he wishes to alter his motion in accordance with the proposed alteration below. The Mayor will put the proposed alteration to a vote without debate. If approved, Councillor Lee’s motion, as altered, will become the substantive motion for debate to which amendments may subsequently be moved.

Alteration:

- (a) After “Accordingly, this Council RESOLVES:” add the following:

“That the Executive be requested to consider the following action:”

- (b) Substitute the following in place of paragraph (1) of the resolution:

“(1) To engage with our local UBI lab in order to seek government funding for a pilot UBI trial in Guildford”

The motion, as altered, would read as follows:

“The Council notes that many residents in Guildford are living in precarious circumstances. Furthermore, many who work in either the gig economy or under zero hours contracts lack the job security afforded to previous generations and that even those who may seem to be in traditionally safer employment are at a growing risk of redundancy from the increasing use of Artificial Intelligence and automation.

This Council notes that a Universal Basic Income scheme has the potential to provide security for our residents and improve wellbeing thereby increasing financial security for everyone whilst safeguarding our most vulnerable residents.

Other Councils, including Sheffield, Mendip, Bristol, Oxford, Newbury Town, Richmond and Lewes have put themselves forward in support of UBI trials. This Council joins them to call for a trial scheme to be established in Guildford now so that the challenges and benefits of UBI can be properly researched and understood.

Accordingly, this Council

RESOLVES: That the Executive be requested to consider the following action:

- (1) To engage with our local UBI lab in order to seek government funding for a pilot UBI trial in Guildford.
- (2) To call upon the government to fund UBI trials across the UK and to support trials of UBI in Guildford now and that the findings of these trials be published and used to assess the best way to implement financial security for every family.
- (3) To write a letter signed by the Leader of the Council and all leaders of the Groups on the Council choosing to support this motion and address it to: the Prime Minister; the Secretary of State for Work and Pensions; the Chancellor of the Exchequer; the leaders of all opposition parties in Parliament; all Surrey MPs and the media.
- (4) To send the aforementioned letter, accompanied by this motion to addressees and ask in it for a trial of Universal Basic Income in Guildford to be urgently established and funded by Government.”

Comments:

None

12. NOTICE OF MOTION DATED 19 MARCH 2021: LOCAL PLAN (Page 5 of the Council agenda)

Procedure for dealing with the motion and the two amendments below:

(NB. all speeches 5 minutes maximum unless otherwise stated)

1. Cllr Spooner to propose the motion (up to 10 minutes)
2. Cllr Manning to second the motion
3. Councillors invited to speak on the motion
4. Cllr Manning invited to speak if he reserves his right
5. Cllr Parker to propose Amendment No.1
6. Cllr Nagaty to second Amendment No.1
7. Councillors invited to speak on Amendment No.1
8. Cllr Nagaty invited to speak if he reserves his right
9. Cllr Spooner invited to exercise his right of reply to the debate on Amendment No.1
10. Cllr Parker invited to exercise her right of reply to the debate on Amendment No.1
- 11. Vote taken on Amendment No.1**
If Amendment No.1 is CARRIED – the motion (as amended) becomes the substantive motion to which further amendments may be moved
If Amendment No.1 is LOST – the original motion stands and further amendments may be moved
12. Cllr Anderson to propose Amendment No.2
13. Cllr Jan Harwood to second Amendment No.2
14. Councillors invited to speak on Amendment No.2
15. Cllr Harwood invited to speak if he reserves his right
16. Cllr Spooner invited to exercise his right of reply to the debate on Amendment No.2
17. Cllr Anderson invited to exercise his right of reply to the debate on Amendment No.2
- 18. Vote taken on Amendment No.2**
If Amendment No.2 is CARRIED – the motion (as amended) becomes the substantive motion to which further amendments may be moved
If Amendment No.2 is LOST – either the original motion stands (if Amendment No.1 is LOST) or the substantive motion stands (if Amendment No. 1 is CARRIED) and further amendments may be moved
19. If there are no further amendments, Cllr Spooner invited to exercise his right of reply to the debate (up to 10 minutes)
- 20. Final vote taken – either on original motion (if both amendments fail) or on substantive motion (if one or both amendments are carried)**

In accordance with Council Procedure Rule 11, Councillor Paul Spooner to propose, and Councillor Nigel Manning to second, the following motion:

“The Guildford Borough Local Plan was based on Brownfield sites and Infrastructure first. Infrastructure was a key requirement in the Local Plan and if it could not be delivered then housing should not be built. This constraint was a key factor in the adopted local plan.

It is now clear that the most significant piece of infrastructure affecting Guildford Town Centre, namely the A3 Capacity Upgrade, can no longer be delivered in this Local Plan period.

Whilst Highways England submitted this capacity upgrade as part of Road Investment Strategy 2 (2020-2025) this has not been taken forward.

Surrey Highways and Transport for South East are pushing for it to be included in Road Investment Strategy 3 (2025-2030). If accepted and designed during this period, buildout of this complex upgrade would follow in 2030 through 2035 which is after the period of this local plan.

Therefore, a review of the Local Plan must now take place as this key constraint is now a reality and the Local Plan should not be delivered as originally set out.

Neither Surrey Highways nor Highways England have been asked by Guildford Borough Council to review the transport and infrastructure evidence base following this clear indication that the A3 Capacity Upgrade will not be delivered within the Local Plan period.

Housing capacity without the A3 upgrade was significantly constrained and affects thousands of houses along its corridor with the Guildford Town Centre and surrounding area.

This Council therefore:

RESOLVES: That a review of the Local Plan be undertaken immediately to reduce the housing numbers as the A3 capacity upgrade cannot be delivered in the plan period.”

Comments:

Councillor Catherine Young

Amendment No. 1

Councillor Susan Parker to propose, and Councillor Ramsey Nagaty to second, the following amendment:

In the proposed resolution, delete “..as the A3 capacity upgrade cannot be delivered in the plan period”.

The proposed resolution, as amended, would therefore read as follows:

“That a review of the Local Plan be undertaken immediately to reduce the housing numbers.”

Amendment No. 2

The Lead Councillor for Resources, Councillor Tim Anderson to propose, and the Deputy Leader of the Council, Councillor Jan Harwood to second the following amendment:

(a) Substitute the following in place of the fifth, sixth, and seventh paragraphs of the motion:

“Adopted Local Plan Policy ID2 Paragraph 2 anticipated such an eventuality with respect to the A3 scheme. It specifically states:

‘In the event that there is a material delay in the anticipated completion and or a reduction in scope of the A3 Guildford (A320 Stoke interchange junction to A31 Hog’s Back junction) “Road Investment Strategy” scheme from that assumed in plan-making, or cancellation of the scheme, Guildford Borough Council will review its transport evidence base to investigate the consequent cumulative impacts of approved developments and Local Plan growth including site allocations on the safe operation and the performance of the Local Road Networks and the Strategic Road Network. In the case of material delay in the anticipated completion and or a reduction in scope in the A3 Guildford scheme, the review will consider the period up to the revised date of completion of the scheme. This review will be undertaken with input as appropriate from Surrey County Council and Highways England or any other licenced strategic highway authority appointed by the Secretary of State under the Infrastructure Act 2015.’

This review process commenced in April 2020 when Guildford Borough Council contacted Surrey County Council to request a review of the transport evidence base previously assembled from 2010 onward for the 2019 Local Plan.

However, greater changes than the A3 have occurred of late which call for a review of the Plan. These include the impact of COVID-19 on retailing, employment, transportation, and residential use, as well as changing population forecasts and the progress of the Guildford Regeneration Project (Town Centre Master Plan). Government proposals to amend the local plan process and zoning are also expected.

All these matters could lead to a change in housing numbers and will require a new Local Plan Evidence Base. They also clearly pose complex opportunities and threats for our Borough which require understanding, careful judgements and expertise ahead of completing the decision on the review and then the decision on an update of the Local Plan.”

- (b) Substitute the following in place of the proposed resolution:

“To continue to plan the review of the Local Plan and evidence base, to obtain expert independent assessment of the new issues and changed circumstances to advise on the appropriate route to review the Local Plan, update the Plan’s Evidence Base and then update the Local Plan in order to secure the best outcomes for our community and borough.”

The motion, as amended, would therefore read as follows:

“The Guildford Borough Local Plan was based on Brownfield sites and Infrastructure first. Infrastructure was a key requirement in the Local Plan and if it could not be delivered then housing should not be built. This constraint was a key factor in the adopted local plan.

It is now clear that the most significant piece of infrastructure affecting Guildford Town Centre, namely the A3 Capacity Upgrade, can no longer be delivered in this Local Plan period.

Whilst Highways England submitted this capacity upgrade as part of Road Investment Strategy 2 (2020-2025) this has not been taken forward.

Surrey Highways and Transport for South East are pushing for it to be included in Road Investment Strategy 3 (2025-2030). If accepted and designed during this period, buildout of this complex upgrade would follow in 2030 through 2035 which is after the period of this local plan.

Adopted Local Plan Policy ID2 Paragraph 2 anticipated such an eventuality with respect to the A3 scheme. It specifically states:

‘In the event that there is a material delay in the anticipated completion and or a reduction in scope of the A3 Guildford (A320 Stoke interchange junction to A31 Hog’s Back junction) “Road Investment Strategy” scheme from that assumed in plan-making, or cancellation of the scheme, Guildford Borough Council will review its transport evidence base to investigate the consequent cumulative impacts of approved developments and Local Plan growth including site allocations on the safe operation and the performance of the Local Road Networks and the Strategic Road Network. In the case of material delay in the anticipated completion and or a reduction in scope in the A3 Guildford scheme, the review will consider the period up to the revised date of completion of the scheme. This review will be undertaken with input as appropriate from Surrey County Council and Highways England or any

other licenced strategic highway authority appointed by the Secretary of State under the Infrastructure Act 2015.'

This review process commenced in April 2020 when Guildford Borough Council contacted Surrey County Council to request a review of the transport evidence base previously assembled from 2010 onward for the 2019 Local Plan.

However, greater changes than the A3 have occurred of late which call for a review of the Plan. These include the impact of COVID-19 on retailing, employment, transportation, and residential use, as well as changing population forecasts and the progress of the Guildford Regeneration Project (Town Centre Master Plan). Government proposals to amend the local plan process and zoning are also expected.

All these matters could lead to a change in housing numbers and will require a new Local Plan Evidence Base. They also clearly pose complex opportunities and threats for our Borough which require understanding, careful judgements and expertise ahead of completing the decision on the review and then the decision on an update of the Local Plan.

This Council therefore:

RESOLVES: To continue to plan the review of the Local Plan and evidence base, to obtain expert independent assessment of the new issues and changed circumstances, to advise on the appropriate route to review the Local Plan, update the Plan's Evidence Base and then update the Local Plan in order to secure the best outcomes for our community and borough."

13. REMOTE COUNCIL AND COMMITTEE MEETINGS

This report was marked "to follow" on the Council agenda and was published and circulated as a supplementary agenda item on Thursday 8 April. A copy of the report is appended to this Order Paper.

The Leader of the Council, Councillor Joss Bigmore, to propose, and the Deputy Leader of the Council, Councillor Jan Harwood to second, the adoption of the following motion:

- “(1) That, subject to paragraph (2) below, the following arrangements be put in place for the holding of face-to-face meetings during the period between 6 May and the date on which Covid restrictions are fully lifted:
 - (a) That in respect of determining the business scheduled for the Executive on 25 May 2021, the Leader be requested to consider repeating the arrangements introduced following the cancellation of the Executive meeting scheduled for 24 March 2020 (before the Coronavirus Meetings Regulations were in force) in which the then Leader of the Council took certain Executive decisions after inviting written representations from all councillors and the public to be submitted to the Leader in advance of the decisions being taken. As decisions taken by the Leader or individual Executive councillors are not required to be made at a formally constituted meeting, such decisions be taken by the Leader, via Microsoft Teams, inviting all councillors in the usual way with those in attendance able to comment in the same way as if it were a formal meeting of the Executive, the only difference being that the Leader (rather than the Executive collectively) would make the decisions. Call-in provisions would be unaffected.
 - (b) That EAB, Overview & Scrutiny Committee, Licensing Sub-Committee and working group meetings continue to be held remotely.

- (c) That, subject to a satisfactory risk assessment, Planning, Licensing, Corporate Governance and Standards, and (where necessary) Employment Committee and Licensing Regulatory Sub-Committee meetings be held in the Council Chamber/ Committee Room 1, and that remote attendance by non-committee members, certain officers, and the public be encouraged, whilst still providing limited, socially distanced seating for the public.
 - (d) That, for 2021 only, the Annual Meeting and Selection Meeting be combined into one meeting and held, subject to a satisfactory risk assessment, on Wednesday 19 May 2021 at 7pm at the Guildford Baptist Church, Millmead, Guildford, noting that it will not be possible to webcast the meeting.
 - (e) That the Planning Committee meeting scheduled for Wednesday 19 May 2021 be put back to Thursday 20 May 2021 at 7pm.
 - (f) That the Service Delivery EAB scheduled for Thursday 20 May 2021 be put back to Monday 24 May 2021 at 7pm.
- (2) That should the High Court declare that existing legislation governing local authority meetings permits councils to continue to hold remote meetings after 6 May 2021, the Council agrees that such meetings should continue as scheduled via Microsoft Teams at least until Covid restrictions are lifted completely.
- (3) That, should it not be possible to hold remote meetings lawfully, the Council agrees that any councillor who, for medical reasons, is unable to be vaccinated against Covid-19 shall receive a dispensation from the requirements of Section 85 of the Local Government Act 1972 until 6 October 2021.

Reason:

To make arrangements, if necessary, for a return to face-to-face meetings after 6 May 2021 when the Coronavirus Meetings Regulations expire.

Comments:

None

14. ASH ROAD BRIDGE UPDATE - PART 1 REPORT (IN PUBLIC)

(Pages 313 - 418 of the Council agenda)

Deed of Amendment Update:

The Council and the Homes and Communities Agency (now Homes England) entered into a Deed of Amendment relating to the Housing Infrastructure Fund (Marginal Viability Fund). The deed entered into is supplemental to the original short form funding agreement dated 16 December 2019 and is entered into in relation to the project known as Ash Road Bridge (PCS 29978) (The Funding Agreement). The Deed of Amendment has been sealed by the Council and signed by representatives of Homes England, and is dated 29 March 2021.

The entering into this agreement has allowed the Council to drawdown Tranche 1 of the funding provision relating to this agreement in the sum of c.£2.793m towards the cost of the scheme.

The motion:

The Lead Councillor for Regeneration, Councillor John Rigg to propose, and the Leader of the Council, Councillor Joss Bigmore to second, the adoption of the following motion:

“That the Council approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published as Item 16 with the agenda for this meeting.

Reasons:

This is a unique opportunity to utilise £23.9 million of central government funding towards the Ash Road Bridge Scheme to deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing in Ash."

Comments:

None

Note:

If, during the debate on Item 14, it is necessary for the Council to consider any information in Agenda Item 16, which is exempt from publication, the Mayor will be asked to propose, and the Deputy Mayor to second, the following motion (which is Agenda Item 15) to exclude the public from the meeting:

"That under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for consideration of Agenda Item 16 on the grounds that it involves the likely disclosure of exempt information, as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act."

If the motion is carried, the Mayor will ask councillors present to leave the public part of the MS Teams meeting and join a private MS Teams meeting, a link for which has been circulated to all councillors before the meeting. The public webcast will be terminated at this point.

16. ASH ROAD BRIDGE UPDATE (Pages 419 - 584)

The budget and funding strategy referred to in agenda item 14 above is set out in detail in paragraphs 3.3 and 3.4 of the Part 2 report – see pages 423 to 426 of the Council agenda.

17. COMMON SEAL

To order the Common Seal.

Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

Author: John Armstrong (Democratic Services and Elections Manager)

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 13 April 2021

Remote Council and Committee Meetings

Executive Summary

The Council will be aware of that regulations¹ made under the Coronavirus Act 2020 to provide for the remote attendance and participation of councillors and the public at local authority meetings came into force on 4 April 2020. These arrangements have operated very successfully in Guildford and elsewhere since their introduction.

Apart from the obvious public health benefits of holding meetings remotely during a pandemic, they have brought other benefits, including the removal of the need for travel to meetings, and associated cost savings, increased participation in the democratic process and equality of access to meetings.

However, the Regulations were time limited and are due to expire on 6 May 2021, and at the time this report was written, there is no certainty that the current arrangements for remotely held meetings will continue after 6 May.

Various organisations including the Local Government Association, the National Association of Local Councils (representing parish councils), Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) and many councils, including Guildford, have called for the ability of English councils to hold remote meetings to be made permanent.

In February, the Secretary of State ("SoS") said that whilst accepting that the arrangements had been successful, there were no plans to extend the ability to hold remote meetings beyond 6 May as it would require primary legislation and there is no vehicle to do that in time for May in terms of Parliamentary time. The SoS indicated that whilst it was not possible at the moment, if there was an opportunity to make it more permanent, then he would take it.

With the intention of seeking a way to assist the SoS in this regard, LLG and ADSO have asked the question whether a change in primary legislation is actually required and have sought Counsel's Opinion on the matter, which has been shared with the SoS.

¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the Coronavirus Meetings Regulations")

Notwithstanding this, in a letter dated 25 March 2021 to Leaders of principal councils in England, the Minister of State for Regional Growth and Local Government, whilst acknowledging the “considerable investment of time, training and technology to enable these (remote) meetings to take place”, nevertheless reiterated the SoS’s view that “*extending the regulations to meetings beyond May 7 would require primary legislation*”.

The Minister also stated that:

“The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government’s legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government’s roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time.”

The devolved government in Wales has passed legislation, which comes into force on 1 May 2021, which makes express provision for Welsh local authorities to meet remotely. Scottish local authorities already had express provision to meet remotely prior to the pandemic.

LLG, ADSO, and Hertfordshire County Council have made an application to the High Court to seek a declaration from the Court that existing legislation governing local authority meetings under Schedule 12 to the Local Government Act 1972, and meetings of an Executive or a committee of an Executive under the Local Authorities Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012, can continue to be held remotely in the way that has been specifically authorised by the Coronavirus Meetings Regulations.

This application is scheduled to be heard on 21 April 2021. If the Court rules that the current legislation could be interpreted in such a way that the terms ‘place’, ‘meeting’ and ‘present’ in this context could be construed as being both physical *and* virtual ‘places’, ‘meetings’ and ‘presence’ then the Council could, if it chose, continue to hold meetings wholly remotely, or partly remotely (‘hybrid meetings’), or wholly in person.

However, as there is no certainty over this, the Council must consider its options as to how it holds meetings beyond 6 May 2021 until such time as the current restrictions are fully lifted which, under the current “roadmap”, is expected no earlier than 21 June 2021.

Recommendation to Council:

- (1) That, subject to paragraph (2) below, the following arrangements be put in place for the holding of face-to-face meetings during the period between 6 May and the date on which Covid restrictions are fully lifted:
 - (a) That in respect of determining the business scheduled for the Executive on 25 May 2021, the Leader be requested to consider repeating the arrangements introduced following the cancellation of the Executive meeting scheduled for 24 March 2020 (before the Coronavirus Meetings Regulations were in force) in which the then Leader of the Council took certain Executive decisions after inviting written representations from all councillors and the public to be submitted to the Leader in advance of the decisions being taken. As decisions taken by the Leader or individual Executive councillors are not required to be made at a formally constituted meeting, such decisions be taken by the Leader, via Microsoft Teams, inviting all councillors in the usual way with those in attendance able to comment in the same way as if it were a formal meeting of the Executive, the only difference being that the Leader (rather than the Executive collectively) would make the decisions. Call-in provisions would be

unaffected.

- (b) That EAB, Overview & Scrutiny Committee, Licensing Sub-Committee and working group meetings continue to be held remotely.
 - (c) That, subject to a satisfactory risk assessment, Planning, Licensing, Corporate Governance and Standards, and (where necessary) Employment Committee and Licensing Regulatory Sub-Committee meetings be held in the Council Chamber/ Committee Room 1, and that remote attendance by non-committee members, certain officers, and the public be encouraged, whilst still providing limited, socially distanced seating for the public.
 - (d) That, for 2021 only, the Annual Meeting and Selection Meeting be combined into one meeting and held, subject to a satisfactory risk assessment, on Wednesday 19 May 2021 at 7pm at the Guildford Baptist Church, Millmead, Guildford, noting that it will not be possible to webcast the meeting.
 - (e) That the Planning Committee meeting scheduled for Wednesday 19 May 2021 be put back to Thursday 20 May 2021 at 7pm.
 - (f) That the Service Delivery EAB scheduled for Thursday 20 May 2021 be put back to Monday 24 May 2021 at 7pm.
- (2) That should the High Court declare that existing legislation governing local authority meetings permits councils to continue to hold remote meetings after 6 May 2021, the Council agrees that such meetings should continue as scheduled via Microsoft Teams at least until Covid restrictions are lifted completely.
- (3) That, should it not be possible to hold remote meetings lawfully, the Council considers whether a dispensation for non-attendance at meetings under the six-month rule is required for any councillor who, for medical reasons, is unable to be vaccinated against Covid-19, any such dispensation could be reviewed in six months' time.

Reason for Recommendation:

To make arrangements, if necessary, for a return to face-to-face meetings after 6 May 2021 when the Coronavirus Meetings Regulations expire.

Is the report (or part of it) exempt from publication? No

1. Purpose of report

- 1.1 The Council is asked to consider options for resuming face to face meetings beyond 6 May 2021 when the current Coronavirus Meetings Regulations expire.

2. Background

- 2.1 Since April 2020, the Council has been permitted to hold meetings remotely (using Microsoft Teams) enabling councillors and stakeholders to actively participate in those meetings with the Council being able to transact normal business during the Coronavirus pandemic.
- 2.2 These arrangements have operated very successfully in Guildford and elsewhere since their introduction.

- 2.3 Apart from the obvious public health benefits of holding meetings remotely during a pandemic, they have brought other benefits, including the removal of the need for travel to meetings, and associated cost savings, increased participation in the democratic process and equality of access to meetings.
- 2.4 However, the Regulations were time limited and are due to expire on 6 May 2021, and at the time this report was written, there is no certainty that the current arrangements for remotely held meetings will continue after 6 May.
- 2.5 Various organisations including the Local Government Association, the National Association of Local Councils (representing parish councils), Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) and many councils, including Guildford, have called for the ability of English councils to hold remote meetings to be made permanent.
- 2.6 In February, the Secretary of State ("SoS") said that whilst accepting that the arrangements had been successful, there were no plans to extend the ability to hold remote meetings beyond 6 May as it would require primary legislation and there is no vehicle to do that in time for May in terms of Parliamentary time. The SoS indicated that whilst it was not possible at the moment, if there was an opportunity to make it more permanent, then he would take it.
- 2.7 With the intention of seeking a way to assist the SoS in this regard, LLG and ADSO have asked the question whether a change in primary legislation is actually required and have sought Counsel's Opinion on the matter, which has been shared with the SoS.
- 2.8 Notwithstanding this, in a letter dated 25 March 2021 to Leaders of principal councils in England, the Minister of State for Regional Growth and Local Government, whilst acknowledging the "considerable investment of time, training and technology to enable these (remote) meetings to take place", nevertheless reiterated the SoS's view that "extending the regulations to meetings beyond May 7 would require primary legislation".
- 2.9 The Minister also stated that:
- "The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time."*
- 2.10 Although the government recognised that there may be concerns about resuming face-to-face meetings, the Minister indicated that, ultimately, it was for local authorities to apply the Covid-19 guidance to ensure meetings could take place safely. To that end, the government's guidance on the safe use of council buildings has been updated, and they have indicated a range of options that councils might consider, some of which are set out in section 3 below.
- 2.11 The government has also launched a 12 week "call for evidence on the use of current arrangements enabling remote meetings and to gather views on the question of whether there should be permanent express arrangements and if so, for which

meetings”. Councillors will be aware that the Leader has already written to the SoS in this regard (see **Appendix 1**).

- 2.12 It is worth noting that the devolved government in Wales has passed legislation, which comes into force on 1 May 2021, which makes express provision for Welsh local authorities to meet remotely. Scottish local authorities already had express provision to meet remotely prior to the pandemic.
- 2.13 LLG, ADSO, and Hertfordshire County Council have made an application to the High Court to seek a declaration from the Court that existing legislation governing local authority meetings under Schedule 12 to the Local Government Act 1972, and meetings of an Executive or a committee of an Executive under the Local Authorities Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012, can continue to be held remotely in the way that has been specifically authorised by the Coronavirus Meetings Regulations.
- 2.14 This application is scheduled to be heard on 21 April 2021. If the Court rules that the current legislation could be interpreted in such a way that the terms ‘place’, ‘meeting’ and ‘present’ in this context could be construed as being both physical *and* virtual ‘places’, ‘meetings’ and ‘presence’ then the Council could, if it chose, continue to hold meetings wholly remotely, or partly remotely (‘hybrid meetings’), or wholly in person.
- 2.15 However, as there is no certainty over this, the Council must consider its options as to how it holds meetings beyond 6 May 2021, until such time as the current restrictions are fully lifted.

Roadmap to ease lockdown measures

- 2.16 On 22 February 2021, the government announced a four-stage ‘roadmap’ to ease the lockdown measures. The third stage, scheduled to commence no earlier than 17 May 2021, permits, indoor events at half capacity, or 1,000 people, whichever is the lower. The final stage, which is due no earlier than 21 June 2021, will remove all legal limits on social contact.
- 2.17 However, only when the government is sure that it is safe to move from one step to the next will the final decision be made. That decision will be based on four tests:
- the vaccine deployment programme continues successfully
 - evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated
 - infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS
 - the Government’s assessment of the risks is not fundamentally changed by new Variants of Concern
- 2.18 During the period between 6 May and 21 June, the following formal meetings are scheduled to take place:

| Meeting | Date |
|----------------------|------------------|
| Annual Council | Wednesday 12 May |
| Selection Council | Tuesday 18 May |
| Planning Committee | Wednesday 19 May |
| Service Delivery EAB | Thursday 20 May |
| Executive | Tuesday 25 May |
| Licensing Committee | Wednesday 26 May |

| Meeting | Date |
|----------------------------------|-------------------------------------|
| Planning Committee (Special) | Thursday 27 May or Wednesday 9 June |
| Overview & Scrutiny Committee | Tuesday 8 June |
| Strategy and Resources EAB | Monday 14 June |
| Planning Committee | Wednesday 16 June |
| Corporate Governance & Standards | Thursday 17 June |

3 Main Considerations

- 3.1 If the Council has to revert to face-to-face meetings after 6 May, we need to consider what arrangements need to be put in place to enable them to take place as safely as possible, bearing in mind the reduced capacity of the Council Chamber/Committee Room 1 assuming the need for a minimum one metre social distancing, with attendees required to wear face coverings at all times (unless medically exempt) and to sanitise hands before taking their seat. We estimate that a maximum of approximately 34 councillors could be accommodated in the Council Chamber/Committee Room 1, with councillors seated one (rather than two) per table.
- 3.2 It should also be borne in mind that there are no windows in the Council Chamber or Committee Room 1 that can be opened for ventilation purposes, and that the air conditioning facility would have to be switched off.
- 3.3 Councillors should be aware that, although the vaccination programme continues to be successfully rolled out nationally and locally, it is clear that by 6 May there will still be a significant number of people who will not have had a second jab, or even a first jab, so the risks associated with Covid-19 infection for them are still very real.

Options

Executive meeting

Option

- 1 Use Council Chamber/Committee Room 1 – discourage physical attendance by non-Executive councillors, certain officers, and public and ask that they join remotely. We will still have to provide some seating for the public.
- Partition to be open and all doors to the Chamber/Committee Room 1 to remain open.
- 2 (Recommended) Repeat arrangements introduced following the cancellation of the Executive meeting scheduled for 24 March 2020 (before the Coronavirus Meetings Regulations were in force) in which the then Leader of the Council took certain Executive decisions after inviting written representations from all councillors and the public to be submitted to the Leader in advance of the decisions being taken. As decisions taken by the Leader or individual Executive councillors are not required to be made at a formally constituted *meeting*, it is suggested that such decisions could be taken by the Leader via Microsoft Teams, inviting all councillors in the usual way with those in attendance able to comment in the same way as if it were a formal meeting of the Executive, the only difference being that the Leader (rather than the Executive collectively) would be making the decision. Individual executive decision making, which does not require a meeting, was an option put forward by the

Option

Minister in his letter to Leaders. This arrangement would be a matter for the Leader to determine. Call-in provisions in respect of any decisions taken would not be affected.

- 3 Another option suggested by the Minister in his letter to Leaders was to “*Use existing powers to delegate decision making to key individuals such as the Head of Paid Service, as these could be used to minimise the number of meetings you need to hold if deemed necessary.*”

Under the Council’s scheme of delegation to officers, the Managing Director has power to act in an emergency or in relation to matters of urgency in relation to any functions of the Council, after consulting with the Leader and the Monitoring Officer. However, the use of this power is subject to a report being submitted to “the next meeting of the Council, Executive or committee concerned”.

- 4 Continue with remote meetings of the Executive. There would be a risk of challenge in respect of any decision taken collectively by the Executive at a remotely held meeting after 6 May 2021.

EAB, Overview & Scrutiny Committee and working group meetings

Option

- 1 Use Council Chamber/Committee Room 1 – discourage physical attendance by non-board/committee members, certain officers, and public (where applicable) and ask that they join remotely. We would still have to provide some seating for the public.

Partition to be open and all doors to the Chamber/Committee Room 1 to remain open.

- (Recommended) 2 Continue with remote meetings. As these bodies are non-decision making, it is very unlikely that the outcome of their deliberations will be challenged in the courts by way of judicial review, just because they took place remotely.

Planning, Licensing, Corporate Governance and Standards, and Employment Committee and Licensing Regulatory Sub-Committee meetings

Option

- (Recommended) 1 Use Council Chamber/Committee Room 1 – discourage physical attendance by non-committee members, certain officers, and public and ask that they join remotely. We will still have to provide some seating for the public. This point is acknowledged by the Minister, who stated in his letter to Leaders: “*while you do have a legal obligation to ensure that the members of the public can access most of your meetings, I would encourage you to continue to provide remote access to minimise the need for the public to attend meetings physically until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap.*”

Option

Partition to be open and all doors to the Chamber/Committee Room 1 to remain open.

- 2 Continue with remote meetings. As these committees are decision making bodies, it is possible that any decision taken at a remotely held meeting after 6 May could be challenged in the courts by way of judicial review.

Licensing Sub-Committee hearings

Option

- 1 Use Council Chamber/Committee Room 1 – discourage physical attendance by non sub-committee members, certain officers and public and ask that they join remotely. We would still have to provide some seating for the public.

Partition to be open and all doors to the Chamber/Committee Room 1 to remain open.

- 2 (Recommended) Continue with remote hearings. The Licensing Sub-Committee was established under different legislation² to other committees. On this basis, it has previously been established that licensing hearings do not necessarily have to take place in person.

Council meetings

There are two full Council meetings scheduled in May:

- the Annual (Mayor Making) meeting on Wednesday 12 May at 12 noon, which is normally held at the Guildhall
- the Selection Council meeting, on Tuesday 18 May at 7pm, to decide which committees to establish for the forthcoming municipal year, agree size and terms of reference of those committees, and agree numerical allocation of seats on committees to political groups, and to make appointments to those committees. Other business scheduled for this meeting includes:
 - (i) Adoption of the Lovelace, Puttenham and Send Neighbourhood Plans (subject to the outcome of the various referendums to be held on 6 May);
 - (ii) Review of Procurement Procedure Rules;
 - (iii) Amendments to the Councillors' Code of Conduct (in respect of acceptance of gifts and hospitality)

In relation to the Annual (Mayor Making) meeting, the Council could agree to bring this meeting forward to a date earlier than 6 May in order to ensure that it could be held lawfully as a remotely held meeting. Constitutionally, the annual meeting could be held this year “on such day in the month of March, April, or May as the Council may fix”. The Selection Council meeting must be held after 6 May, which is the date

² Licensing Act 2003 rather than the Local Government Act 1972

on which the three by-elections for the vacancies in the Friary & St Nicolas, Pirbright, and Send wards are to be held.

Alternatively, the Council could agree to combine the Annual and Selection meetings into one meeting for this year. The various options open to the Council in this regard are set out below:

Option

- 1 Use Council Chamber/Committee Room 1, with other councillors joining the meeting remotely from other meeting rooms at Millmead House. Where a formal vote, by way of a show of hands or a recorded vote, is necessary, those councillors attending remotely would be invited to come up, in turn, to the Council chamber to cast their vote and then return to their meeting room.

Discourage physical attendance by the public and ask that they join remotely. We would still have to provide some seating for the public.
- 2 Arrange with political groups that only a politically balanced quorum of councillors (which is 12 for Council meetings) attend.
- 3 Continue with remote meetings. As full Council is a decision-making body, it is possible that any decision taken at a remotely held meeting after 6 May could be challenged in the courts by way of judicial review.
- 4 Find a suitable alternative venue that could accommodate on a socially distanced basis, 48 councillors, officers and public.

(Recommended)

Possible venues:

(a) Guildford Baptist Church, Millmead

We have approached the recently refurbished Millmead Baptist Church (the main auditorium of which has been used previously for Council meetings when our Council Chamber was being refurbished in 2017), but the auditorium is only available on Wednesday evenings in May. Officers have therefore made a provisional booking for any of the following Wednesdays: 12, 19, or 26 May. If we opted for Wednesday 19 May, we could combine both the Annual and Selection meetings. However, we would then need to re-schedule the Planning Committee meeting to Thursday 20 May and the Service Delivery EAB meeting to Monday 24 May.

(b) G Live

This is not an option as G Live is being used as a vaccination centre at least until 31 July 2021.

(c) Yvonne Arnaud Theatre

Not yet approached

(d) Electric Theatre

Not yet approached

However, it will not be possible to webcast any meetings held away from the Council Chamber, although it may be possible (as we did in

2017) to video record the meeting and post the recording to the webcast library on the day after the meeting.

- 3.4 The Council has recently entered into a new contract with our webcast suppliers Public-i. The new contract includes provision for new technology to facilitate hybrid meetings that will enable officers and the public to join and participate in meetings remotely. This is scheduled to be installed, tested and trialled from the end of April into May.

Other Surrey councils

- 3.5 We have contacted other Surrey councils to enquire as to what arrangements they intend to put in place if they have to revert to face-to face meetings after 6 May 2021. Of the responses received to date, many of the options contained in this report are actively being considered – notably seeking alternative, larger venues for full Council meetings.

4. Legal implications

- 4.1 From 12 April, indoor non-essential shops and businesses can reopen, although social distancing remains in place and Covid-risk assessments are required. It could technically be argued that the Annual Meeting scheduled for 12 May 2021 could take place in person if social distancing can be achieved and a risk assessment undertaken. Clearly, this will be difficult if the meeting were held in the Council Chamber/Committee Room 1. It would create less of a problem in a larger, alternative venue, for example, the Baptist Church.
- 4.2 From 17 May indoor social mixing is allowed and the highest risk business sectors will be open.
- 4.3 The Monitoring Officer is of the view that it would be preferable to move the Annual Meeting to the same date as the Selection Meeting (after 17 May) and combine the two meetings into one for the following reasons:
1. If held after 17 May, more Covid related rules are likely to be relaxed in accordance with the roadmap;
 2. The Council has health and safety duties to its councillors and staff which suggest it would be unwise to hold physical meetings (particularly of this size) unless there is a real need to do so;
 3. Logistically trying to run two full council meetings within a week of each other is difficult with the social distancing requirements;
 4. The risk will increase with two separate meetings and the numbers mixing; and
 5. It is more likely we will find an alternative larger venue for one meeting.
- 4.4 If the High Court declares that existing legislation governing local authority meetings does permit councils to continue to hold remote meetings after 6 May, it is suggested that such meetings should continue as scheduled via Microsoft Teams at least until Covid restrictions are lifted completely.

Possible dispensation from the provisions of Section 85 Local Government Act 1972

- 4.5 Under the provisions of Section 85(1) of the Local Government Act 1972, if a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure

was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

- 4.6 Due to the coronavirus outbreak, the Council at its meeting on 5 May 2020 agreed that any councillor unable to attend a meeting for a period greater than six months for Covid-19 related reasons, should receive a dispensation from the requirements of section 85 until 9 December 2020. Fortunately, no councillor needed to rely on such dispensation and the ability to hold meetings remotely actually enabled greater participation in meetings by councillors.
- 4.7 The Council may wish to consider a further dispensation for non-attendance at meetings under the six-month rule if physical attendance at meetings is required for any councillor who, for medical reasons, is unable to be vaccinated against Covid-19. This dispensation could be introduced for a temporary period and reviewed again in December 2021.

5. Financial Implications

- 5.1 We have been informed that the cost of hiring the Guildford Baptist Church, as an alternative venue for a full Council meeting in May, will be £545, and other costs associated with video recording the meeting will be in the region of £250, for which there is no specific budget.
- 5.2 There are no other financial implications arising from the recommendations in this report.

6. Human resource Implications

- 6.1 There are no human resource implications arising from the recommendations in this report.

7. Equality and Diversity Implications

- 7.1 It could be argued that returning to face to face meetings after 6 May, but before 21 June – the date on which it is anticipated that current Covid restrictions will end - could discriminate against those of a certain age who may not have received full vaccination against Covid-19 during that period. This would include some councillors and staff, who would normally be expected to attend meetings.
- 7.2 There are no other equality and diversity implications arising from the recommendations in this report.

8. Climate Change/Sustainability Implications

- 8.1 Returning to face-to-face meetings will involve councillors having to travel to Millmead, many of whom will use private cars, adding albeit in a marginal way, to existing congestion and pollution.
- 8.2 There are no other climate change/sustainability implications arising from the recommendations in this report.

9. Background Papers

Letter dated 25 March 2021 from the Minister of State for Regional Growth and Local Government to leaders of principal councils in England

10. Appendices

Appendix 1: Letter from the Leader and Managing Director to the Rt. Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government



The Rt Hon Robert Jenrick MP
Secretary of State for Housing,
Communities and Local
Government

Contact: Joss Bigmore
Phone: 01483 444801
(Nyssa Archer and Samantha Ruthven)
nyssa.archer@guildford.gov.uk
Samantha.ruthven@guildford.gov.uk
Email: joss.bigmore@guildford.gov.uk

Dear Mr Jenrick

Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Since October last year when the Chairman of the Local Government Association Cllr James Jamieson wrote to you regarding the above Regulations we have witnessed two important developments. Firstly, a vaccine that we passionately hope will see us out of the pandemic and into a safer future. The Government has set out the rollout of this vaccine that will take time, probably many months and we are all aware of the patience we must exercise whilst this happens and continue to provide a safe environment for our councillors, staff and the public. Secondly, we have seen the appearance of new and more contagious variants of the virus. This was not foreseen and, whilst we hope that such developments will not recur as we continue with our managed and stringent approach, further such outbreaks may not be discounted.

From our lockdown position at the end of January we reiterate the request of the Chairman to extend the ability for councils to hold meetings flexibly beyond 7 May 2021 while we continue to manage the COVID-19 pandemic. We cannot be certain how the pandemic will evolve over the next few months or year, but it remains essential for our councillors to have the ability to hold committee, Executive, and council meetings and make decisions without the need for all those attending the meeting to be physically present.

Time is passing and with only effectively three months until the Regulations expire, we as a council implore you to enact such legislation to allow us to continue to provide a safe environment for our local democracy to function. Further, we would ask you to consider seriously and favourably the introduction of legislation that gives local authorities maximum flexibility to hold meetings totally, or partly, remotely in the future.

Councils around the country, including our own, have responded during the course of the past ten months to put in place equipment and training for both councillors and officers to continue to operate and succeed in delivering business as usual for our meetings. No mean feat. Everywhere, and especially in Guildford, we have seen a boost in attendance at our virtual meetings as our councillors have not had to travel across the Borough with all of the associated obstacles of transportation and care provision.

Below are personal messages to you from two of our Chairmen running key meetings virtually:

“As Chairman of the Planning Committee, at Guildford Borough Council, I would like to fully support the ability to continue to hold Planning Committee meetings virtually. Since May 2020, we have successfully held eleven Planning Committee meetings online. Public participation in planning committee meetings is a very important part of the process, and we recognise that they are always some of the best-attended meetings in the council diary. This reflects the fact that planning, development and housing are key priorities for the council. We have ensured that residents are able to attend virtual meetings and, where applicable, be involved in our planning decisions. Virtual meetings also enable the Council to hold Special Meetings of the Planning Committee, to consider large applications, which frequently involves considerable public interest, in a safe manner, which does not compromise the health of its residents, councillors or staff. Virtual meetings have afforded almost 100% attendance by councillors at the Planning Committee meetings to date, as it enables flexibility by preventing the need to have to travel for protracted periods. This same flexibility is also afforded to staff and residents, which can only be seen as a positive for the democratic process as a whole. I therefore implore the government to consider passing legislation to enable the continuation of virtual meetings indefinitely.”

Cllr Fiona White (Westborough), Chairman of the Planning Committee

“For effective scrutiny at the Overview and Scrutiny Committee in Guildford, the introduction of virtual meetings, as a result of the Covid-19 pandemic, has proven to be successful and effective. The new flexible way of working has enabled scrutineering work at the Council to continue during testing times, with no loss of debate or ability to challenge and hold decision-makers to account and has supported improved Councillor attendance and engagement. It has also enabled continued access to the public. Indeed, even if the threat of coronavirus was over by May and a return to face to face meetings considered safe for all, I feel it would be judicious to maintain the improvements created from our flexibility to attend and participate at virtual meetings.”

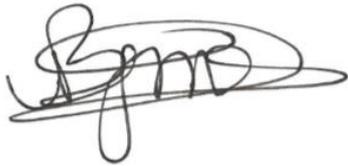
Cllr Paul Spooner (Ash South & Tongham) Chairman of the Overview & Scrutiny Committee

Like so many local authorities we continue to invest in our technical capability to support our decision-making processes as we move out of lockdown and into an environment with more freedom as described by the Minister of State for Communities and Local Government (Lord Greenhalgh) who said on 23 June 2020 that the regulations enable all local authority meetings to be held remotely and do not preclude physical meetings or a hybrid form of meeting where these can be held in accordance with public health regulations and guidance. He suggested it is for each local authority to determine what is appropriate in their specific circumstances, taking legal advice as necessary (HL/5546).

We anticipate enormous logistical difficulties in managing a return to face to face meetings after 7 May if we are required to continue maintaining social distancing, and thereby having to limit the number of councillors and members of the public attending those meetings. This may mean that we have to seek alternative, much larger accommodation for full Council meetings, which will have additional cost implications. Of course, many large venues are already being used as vaccination centres so this may not actually be possible. Furthermore, if we had to use an alternative venue for a Council meeting, we would not be able to webcast the meeting.

You have already indicated publicly that you would like to see the continuation of remotely held local authority meetings, and with the prime minister's recent announcement that he feels that it is 'too early' to judge if the current lockdown will end in the spring, we feel that it is essential that, as a matter of urgency, you provide support in terms of legislation that will enable us to operate in a safe environment as is our duty, as an employer and as a democratic authority to put the safety of our councillors, staff and residents first.

Yours sincerely



Councillor Joss Bigmore
Leader of the Council



James Whiteman
Managing Director

Cc Surrey Leaders' Group
 Angela Richardson MP
 Sir Paul Beresford MP
 The Rt Hon Michael Gove MP
 Jonathan Lord MP
 David Munro, Surrey PCC
 Association of Democratic Services Officers
 Local Government Association
 All Parish Councils (Guildford Borough)