

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MEMBER DEVELOPMENT STEERING GROUP AND DIRECTOR OF RESOURCES	FINANCE AND DEMOCRACY COMMITTEE	26 NOVEMBER 2018	10
<b>REMOTE ACCESS TO MEETINGS</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

This report updates members on the work undertaken by the Member Development Steering Group (MDSG) to trial and test technology to allow members to participate in committee meetings from remote locations.

The work has included piloting the technology at MDSG meetings to enable the remote participation of Councillor Bamforth and evaluating the technical, logistical and constitutional issues involved.

The Audit and Standards Committee meeting of 15 November received recommendations from the Constitution Review Working Group which included the introduction of a new Procedure Rule (within Standing Orders) to accommodate remote access to meetings. This will be further considered at Full Council on 10 December.

Councillor Edward Nash, Chairman of the MDSG will provide a further feedback at the meeting.

### RECOMMENDATIONS

1. To support the recommendations of the MDSG held on 19 October with a view to facilitating remote access to both informal and formal meetings of the Council.
2. To note the recommendations of the Audit and Standard Committee.
3. To note the resource requirements.

### SUMMARY OF PREVIOUS DECISIONS

**Full Council – 3 April 2017** - To request that the Member Development Steering Group consider extending its remit to include member wellbeing.

**Finance and Democracy Committee - 19 June 2017** - Agreed to extend the remit of the Member Development Steering Group to include 'member wellbeing and to update the 'Working with Councillors with Disability Policy Document' as deemed appropriate and to support the on-going work of the MDSG

**Finance and Democracy Committee – 19 March 2018** – Agreed to extend the pilot of remote accessing meetings, by at least six months and extend the trial of remote access to a programme committee, of which at least one member of the Member Steering Development Group was also a member of that committee

**Audit and Standards Committee – 15 November 2018** – To be reported

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## REPORT

### BACKGROUND AND OBJECTIVES

1. Fylde is committed to the openness and accessibility of its democratic processes. Council and committee meetings are a central part of the council's governance structures. Committee meetings enable elected members to consider policy options in depth. Council meetings are the ultimate source of the council's authority. Both kinds of meeting strive to make decisions that are informed by the concerns and views of residents. The council considers that it is important that all members, as far as practical and legal constraints allow, are able to effectively contribute to decisions and deliberation at council and committee meetings.
2. The Public Sector Equality duty, which forms part of the Equality Act 2010, requires the council in the exercise of its functions to have due regard to (among other things) the need to advance equality of opportunity between people who share a protected characteristic (such as having a disability) and those who do not.
3. The recently-completed accommodation project sought to address issues relating to access to meetings for those with physical limitations, for example wheelchair users, by introducing ramp access, lifts and other accessibility improvements to the Town Hall. But those improvements would not address the needs of a member who was unable to attend a meeting because of an anxiety disorder. The work of MDSG around remote access to meetings has been intended to enable a member in that position to participate as fully as possible in a meeting without needing to be in the meeting room.
4. This updated report provides details of the work undertaken by MDSG on the trialling and testing of remote access technology and of a proposed change to the Council Procedure Rules to allow the use of such technology. The MDSG has been committed to optimising the most appropriate technical solutions to enable members to participate as fully as possible in meetings, taking into account the legislation, the recent adoption of the 'Councillors with Disabilities and Member Welfare' document and the practical constraints involved in running meetings.

### REMOTE ACCESS TECHNOLOGY

5. For background purposes, at the meeting of the MDSG in December 2017, the Group recommended the following:
  - To endeavour to advise the Council on supporting and enabling members to participate fully in the business of the council.
  - To look at ways in which the new Council Chamber and current committee rooms will cater for those with disabilities.
  - To undertake an ongoing review [of] the 'Working with Councillors with Disabilities and Member Welfare' document as appropriate with a view to identifying how the Council will recognise and support member wellbeing.
6. 'Google Meet' is one of many video conferencing applications which can facilitate remote access to meetings. Over the last 12 months or so, MDSG has been trialling and testing the 'video chat' element of 'Google Meet', with Councillor Mark Bamforth accessing MDSG meetings remotely from his home.
7. Since the opening of the new Council Chamber, 'Google Meet' has been tested in the Public Gallery and the Council Chamber at meetings of the MDSG and the monthly Briefing sessions for members. It has also been tested in the room for informal working group meetings.

8. Members will also be aware that the new Council Chamber has the facility for the webcasting of Council meetings live and this had been taking in place since May 2018.
9. At the March 2018 meeting of the Finance & Democracy Committee, approval was given for 'Google Meet' to be tested at a programme committee, of which at least one member of the Member Steering Development Group was also a member of that committee. It was subsequently agreed that this would be the Environment, Health and Housing Committee.
10. The MDSG has now completed the trial and it is considered appropriate to present a feedback report to the Finance and Democracy Committee on the testing of the product at the various informal and formal meetings in the Council Chamber/Public Gallery.
11. Initially, the experience was mixed. There were various technical issues/ challenges, which centred on poor audio/sound and pitch or video quality. This was due to a mix of factors such as the strength of the internet connection at either end of the call, problems with the 'Meet' application itself or the version of software being used by participants. The MDSG priority was to ensure that the technology did not interfere in any material way with the proper conduct of the meeting.
12. The ICT team have been instrumental in making the relevant adjustments and changes needed to allow a fit for purpose product. The MDSG (including Councillor Bamforth) have worked hard to ensure that the software meets expectations and following feedback from past meetings of the EH & H committee, a sub-group of the MDSG was set up to further test the software. This has been successful with all the technical issues now being resolved.
13. The MDSG, Councillor Bamforth and the ICT team are now satisfied that the product works well. However, the trial has had limited application at formal committee meetings. It has been trailed at three meetings of the Environment, Health and Housing Committee with the most recent meeting taking place in November which worked well. Overall, the experience at the Committee has been positive with some background noise causing a distraction at an earlier meeting.

## **LEGISLATION AND PROCEDURE RULES**

14. During the course of the trial, the MDSG were mindful of legal restrictions regarding remote attendance at meetings.
15. A councillor who is not physically present at a meeting at of a council or committee in England<sup>1</sup> is not considered in law as attending the meeting, even where they participate by remote access. This means that they cannot validly vote at the meeting, cannot be counted towards the quorum, and would be counted as not having attended it for the purposes of the 'six-month rule'<sup>2</sup>. These limitations are statutory or common law rules, which cannot be changed by the council.
16. The Government indicated in 2016 that it was not its intention to legislate to allow councillors in England to be counted as attending meetings when they were not physically present, though legislation was to be put in place to allow members of combined authorities to be able to officially attend by remote access. There is therefore no immediate prospect of the statutory position changing. Any attendance of a councillor at a committee meeting by remote access must therefore be limited to participating in discussions and debates.
17. MDSG acknowledged that the issue of remote attendance at committee meetings requires an adjustment (as deemed necessary) to the Council's Standing Orders/Procedure Rules.
18. The Constitution Review Working Group has therefore also considered this matter and made a subsequent recommendation to the Audit and Standards Committee to adopt new procedure rules with respect to this matter. These were considered and approved for recommendation to the council by the Audit and Standards Committee at its meeting on 15 November. These procedure rules are set out in paragraph 19 below.
- 19.

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<sup>1</sup> The position is different in Scotland and in Wales, where there are detailed rules about the technical arrangements that must be made to allow a member to officially attend and vote at meetings remotely.

<sup>2</sup> Section 85 of the Local Government Act 1972, which automatically ends a councillor's term of office if they do not attend meetings of the council or of a committee of which they are a member for a period of six months, unless their absence is for a reason approved by the council.

## **2 REMOTE ATTENDANCE:**

### **2.1 Arrangements for remote attendance**

*(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting remotely if the following circumstances apply.*

*(b) [M has notified the Director of Resources [in writing] no later than one week before the meeting of their wish to participate remotely and]*

*( c ) M reasonably believes that it would be detrimental to their physical or mental wellbeing to attend the meeting in person*

*(d) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.*

### **2.2 Substitutes**

*2.4 M may be represented by a substitute under rule 22 or 23 but not by remote access means.*

### **2.3 Exempt and confidential items**

*M may not participate remotely in any part of a meeting in which the public have been excluded under section 100A of the Local Government Act 1972.*

### **2.4 Maximum number of members participating remotely**

*The maximum number of members who may participate remotely in a council meeting is 2|*

20. The proposed new procedure rule is intended to allow as flexibility to introduce this facility across both council and committee meetings. However, it is understood from the member wishing to utilise this facility in the more immediate future that this will only be sought at council meetings. Although wider demands may be placed on this facility in the future, this would require further dialogue to consider the IT resources required to support this which can be fairly intensive as this requires the attendance at each meeting of an additional officer from the current ICT team.

21. Councillor Edward Nash, Chairman of the MDSG will provide further feedback at the meeting.

IMPLICATIONS	
Finance	Supporting remote access requires specialist equipment and support from the IT Team. Based on existing draw down on the service, the support has been contained within existing budgets. However, if demand grows exponentially, this may require an increased staffing resource within the IT Team going forward.
Legal	None arising directly from the report

Community Safety	None arising directly from the report.	
Human Rights and Equalities	None arising directly from the report	
Sustainability and Environmental Impact	None arising directly from the report.	
Health & Safety and Risk Management	None arising directly from the report.	
LEAD AUTHOR	CONTACT DETAILS	DATE
Lyndsey Lacey-Simone	01253 658504	October 2018
BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council Minutes	3/4/17	<a href="https://fylde.cmis.uk.com/fylde/Committees.aspx">https://fylde.cmis.uk.com/fylde/Committees.aspx</a>
Finance and Democracy Minutes	19/06/17 and 19/03/18	<a href="https://fylde.cmis.uk.com/fylde/Committees.aspx">https://fylde.cmis.uk.com/fylde/Committees.aspx</a>
MDSG notes	2017/2018	Democratic Services Section
Audit and Standards	19/11/18	<a href="https://fylde.cmis.uk.com/fylde/Committees.aspx">https://fylde.cmis.uk.com/fylde/Committees.aspx</a>