



Planning and Regulatory Services **Guidance on resuming face-to-face Council meetings**

On the 4 April 2020 the Government temporarily removed the legal requirement for local authorities, including parish, town, and community councils, to hold public meetings in person¹. This meant that councils had the power to hold public meetings virtually by using video or telephone conferencing technology.

However, the change in working practices only applied to council meetings that took place *before* 7 May 2021. After this date meetings should return to being held in person as primary legislation would be needed to extend the rights to hold meetings virtually.

The Government has faced demands from the local government sector to legislate to permit councils to meet virtually after 7 May 2021 but on 25 March 2021 Government advised all local authorities that it was *“not possible to bring forward emergency legislation on this issue at this time”*.

A claim to challenge this and seeking a declaratory judgment from the High Court was lodged on 17 March by ADSO (Association of Democratic Services Officers), LLG (Lawyers in Local Government) and Hertfordshire County Council. The High Court has **dismissed** the claim and therefore ruled that from May 7 council meetings in England must take place "in person".

The judgement by Dame Victoria Sharp, President of the Queen's Bench Division, and Mr Justice Chamberlain concluded:

“... the Secretary of State was correct in November 2016 and July 2019 to say that primary legislation would be required to allow local authority “meetings” under the 1972 Act to take place remotely. In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location. We recognise that there are powerful arguments in favour of permitting remote meetings. But, as the consultation documents show, there are also arguments against doing so. The decision whether to permit some or all local authority meetings to be conducted remotely, and if so, how, and subject to what safeguards, involves difficult policy choices on which there is likely to be a range of competing views. These choices have been made legislatively for Scotland by the Scottish Parliament and for Wales by the Senedd. In England, they are for Parliament, not the courts”.

In order to facilitate in person meetings for both planning applications committee, licensing committee and sub-regulatory committee the measures outlined on the following page(s) have been put in place to ensure meetings are Covid secure and safe for members, staff and the public to attend.

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 (SI 2020/392), made under section 78 of the Coronavirus Act 2020.

Meeting management: Planning meeting on Thursday 13 May 2021

City Hall: access and egress

1. The council members, public and media will access and egress city hall through the Bethel Street doors;
2. Council Members will be asked to clearly display their identity badge;
3. On arrival the members, public and media will be greeted by the security officer/floor walker who will confirm and record the person's identity and contact details (as per Covid-19 secure requirements). Members should arrive at 09:15 – 09:25 and should be in their seats no later than 09:30. The public will be admitted at 09:45 to be seated by 09:55;
4. The media are restricted to 2 persons, one on each media desk in the council chamber and should arrive with the public at 09:45;
5. The public attendance is restricted to a maximum of 18 (11 in the designated public seating area and a further 7 overspill using the allocated circular seating on the northside of the chamber);
6. The security officer will need to count the public and media entering the building;
7. Members, public and media will be advised that face coverings are to be worn unless exempted due to a medical condition and they must maintain social distancing;
8. Following check in members, public and media will be guided directly through the customer centre into the main foyer and up the stairs to the first-floor foyer. (signage and floor walkers will be used).

Council chamber: access and egress

9. On arrival at the first-floor members, public and media will be asked to sanitise their hands. 2 sanitisation stations are provided in the foyer to the Council Chamber;
10. They will then be directed to enter the council chamber by the left-hand door (looking from the first-floor foyer);
11. On entering the council chamber, they will be directed to the appropriate seating for members, public and media. Seats not in use will be marked as such;
12. The maximum number of persons on the council chamber is 37 as follows:
 - a. Chair and democratic services officer – 2
 - b. Council officers – 3
 - c. Council members – 17
 - d. Public – 12 (up to 18 if all the member seats not required);
13. Appendix A is plan of the council chamber;
14. At the end of the meeting the chamber will be emptied through the right-hand door as follows:
 - a. First the public and media
 - b. Second members
 - c. Third officers;

15. Egress from the building is the reverse of accessing it (downstairs through customer centre and out of the Bethel Street door). (Again, signage and floor walkers will be used).

Council chamber: Break in the meeting

16. Where there is a break in proceeding the chair will advise where the toilets are and to return to your seat as quickly as possible. There will be no refreshments;
17. If there is any requirement for deliberations in private (licensing and Sub-regulatory committees only), either officers and members of the public or Members will be removed to an alternative room (whichever group is the smaller).

Council Chamber and any additional rooms as required: General points

18. Members are not to use the group rooms;
19. The Council Chamber and toilets accessed by the public will be cleaned before and after committee meetings;
20. Ventilation to be set to as high as is reasonable at set up;
21. Removal of water coolers;
22. The chamber entrance doors will be propped open at the start of the meeting /after breaks and exit door at start of breaks / end of meeting.

Planning Applications Committee:

1. Only the DM Area Manager and Planning team leader will present reports and facilitate the meetings to reduce staff numbers attending the committee meeting;
2. When it is known an item is being referred to committee, officers will contact objectors and the applicant/agent and advise of arrangements for attending to speak (as set out above). They will be advised they can submit a statement in writing (to be submitted before 10am on the Tuesday prior to the committee meeting and no later) to be read out on their behalf if they do not wish to attend in person. NOTE: The ability for an applicant/agent to address committee/submit a statement is normally only exercised if objectors choose to address the committee. In addition, we will request information about any disabilities or attendance of additional persons acting as a carer to ensure appropriate arrangements for use of the lift and positioning in the chamber.
3. Meetings will continue to be live streamed on You Tube;
4. There will be a fixed microphone provided for public speaking. This will be cleaned between speakers.

Licensing and Sub-Regulatory Committee:

1. Only one Licensing officer will present reports to the respective committees to reduce staff numbers attending the committee meeting;
2. When it is known an item is being referred to committee, officers will contact Objectors and the applicant/agent and advise of arrangements for attending to speak. They will be advised they can submit a statement in writing (to be

submitted before 10am on the Tuesday prior to the committee meeting and no later) to be read out on their behalf if they do not wish to attend in person. In addition, we will request information about any disabilities or attendance of additional persons acting as a carer to ensure appropriate arrangements for use of the lift and positioning in the chamber;

3. Meetings will continue to be live streamed on You Tube;
4. There will be a fixed microphone provided for public speaking. This will be cleaned between speakers.