



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

AUTHORITY GOVERNANCE

Report of the Clerk to the Authority

Date: 01 May 2020

Purpose of Report:

To update Members on the legislative changes affecting governance brought in by the Coronavirus Act 2020, and the regulations issued thereunder, and to seek approval to proposed temporary changes to Authority governance and meeting arrangements.

Recommendations:

It is recommended that Members:

- Note the legislative changes brought in by s78 of the Coronavirus Act 2020 and the regulations issued under that section;
- Agree that, as permitted by the Coronavirus Act 2020 and the regulations issued thereunder, all continuing meetings of the Authority will be held by way of online meeting;
- Authorise the Clerk to the Authority to take all and any such steps as may be reasonable necessary to ensure that online meetings can be delivered in accordance with the legislative requirements and in a secure and safe manner;
- Agree to cancel the Annual General Meeting of the Authority due to be held on 12 June 2020;
- Agree to cancel all future meetings of the Authority, other than meetings of the Policy and Strategy Committee, due to be held before 10 July 2020;
- Agree to receive a further report regarding future meetings and meeting arrangements at this committee on 10 July 2020.

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1. BACKGROUND

- 1.1 The Coronavirus Act 2020 and the regulations issued under s78 of that act make time limited changes to the requirements placed on local authorities in respect of public meetings.
- 1.2 In order to ensure that the Authority maintains proper and transparent governance arrangements in the short to medium term, it is proposed to conduct the majority of the Authority's formal business through the Policy and Strategy Committee. This committee, under its terms of reference, is responsible for dealing with urgent matters. The intention is to deliver meetings using online media channels.

2. REPORT

- 2.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were laid before Parliament on 2 April 2020 and came into force on 4 April 2020. The Authority is caught by these regulations.
- 2.2 The main effects of the regulations are as follows:
 - Regulation 4 (1) empowers local authorities to alter the frequency of meetings, move or cancel meetings without notice;
 - Regulation 5 provides that local authority meetings may take place through digital means. A meeting summons does not need to specify a physical location and a meeting may take place entirely online or by conference call, subject to certain conditions set out below;
 - Councillors may participate in meetings remotely. There is no requirement for a quorum of councillors to be present in the meeting room because the regulations make it clear that a councillor "attends" the meeting if they are able to participate remotely. The following conditions must be met for a councillor to be defined as participating remotely:
 - The councillor must be able to hear and, where possible, see other councillors attending the meeting. The councillor must also be heard and, where possible, seen by those other councillors;
 - The councillor must be able to hear and, where possible, see members of the public who are attending the meeting to exercise their right to speak. The councillor must also be heard and, where possible, seen by those members of the public; and
 - The councillor must be heard and, where possible, seen by other members of the public who are attending the meeting (remotely).

Councillors in remote attendance must be able to hear, and be heard by, other members in remote attendance.

- Regulation 5 also empowers local authorities to make standing order or rules governing remote attendance, which may include provision for:
 - Voting;
 - Member and public access to documents; and
 - Remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- Regulation 6 removes the requirement for local authorities to hold an annual meeting between now and 7th May 2021. Regulation 4 (2) clarifies that appointments made at the annual meeting continue until such time as the authority determines, or until the next annual meeting;
- Regulation 6 also allows notice of a meeting to be published on the Authority's website as though it were published at the offices. The publication, posting or making available of agendas, reports and supporting information may be via the Authority's website instead of at the offices.

2.3 Some of these provisions will not affect the Authority, as it does not allow public participation in any meetings. Representatives from recognised Trade Unions will still be able to submit questions in the same manner as is currently provided for in the Standing Orders i.e. in writing to the Clerk at least 3 working days before the meeting.

2.4 Currently where a question is received from recognised Trade Unions the question is tabled without discussion and the Union representative present at the meeting reads out the question. Provided that the question has been tabled there is no reason why the question should not be read out by the Chair of the meeting or the Clerk to the Authority.

3. FINANCIAL IMPLICATIONS

There are no significant financial implications arising out of the proposals contained in this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The proposals set out in the report mean that both members and officers will need to adapt to new ways of working, which may highlight the need for further training and support.

5. EQUALITIES IMPLICATIONS

There are no equalities implications arising from this report however further consideration will be given to this requirement in the event that any issues are raised by meeting participants or by the viewing public.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report other than those referred to in the section on risk management.

7. LEGAL IMPLICATIONS

The legal implications of the proposals are set out in the body of the report.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The risks associated with the proposals outlined in the report mainly relate to technology failure or online security breaches. The technology which will be used to deliver the online meeting provision is starting to be used widely across the UK and, inevitably, as the new method of meeting delivery becomes more embedded lessons will be learned and good practice shared. It is not proposed to share any confidential or sensitive data through visual media.
- 8.2 There have been instances where meetings have been “hijacked” by online trolls but this seems to have occurred where proper IT controls have not been put in place. In order to mitigate this risk the IT manager will sit in on all online meetings to ensure that if anything untoward were to occur immediate action could be taken.

9. COLLABORATION IMPLICATIONS

There are no collaboration implications arising out of the proposals contained in the report.

10. RECOMMENDATIONS

It is recommended that Members:

- 10.1 Note the legislative changes brought in by s78 of the Coronavirus Act 2020 and the regulations issued under that section.
- 10.2 Agree that, as permitted by the Coronavirus Act 2020 and the regulations issued thereunder, all continuing meetings of the Authority will be held by way of online meeting.

- 10.3 Authorise the Clerk to the Authority to take all and any such steps as may be reasonable necessary to ensure that online meetings can be delivered in accordance with the legislative requirements and in a secure and safe manner.
- 10.4 Agree to cancel the Annual General Meeting of the Authority due to be held on 12 June 2020.
- 10.5 Agree to cancel all future meetings of the Authority, other than meetings of the Policy and Strategy Committee, due to be held before 10 July 2020.
- 10.6 Agree to receive a further report regarding future meetings and meeting arrangements at this committee on 10 July 2020.

11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

Malcolm R. Townroe
CLERK AND MONITORING OFFICER TO THE AUTHORITY