
Health and Adult Social Care Scrutiny Committee
4th November, 2020

Report of the Monitoring Officer and Lead for Law and Governance

Democratic Services during the Covid-19 Pandemic

Purpose

1. To invite the Committee to consider the services administered by the Democratic Services Team of Law and Governance, during the Covid-19 Pandemic.

Recommendations

2. To note the actions and procedures put in place to maintain continuity of Council business and essential decision making during the Covid-19 Pandemic.
3. To review and comment on the operation of the Council's Democratic Services and associated governance arrangements during the Covid-19 Pandemic and provide feedback on how the new ways of working could be developed in the future.

Background

Maintaining the Council's Governance Arrangements

4. When the lockdown was implemented on 23rd March, 2020, the initial priority was to cancel face-to-face meetings and consider alternative arrangements for essential decision making to continue. Up to that point, very limited use had been made of remote meetings technology. Microsoft Teams had not been rolled-out across the Council.
5. The Democratic Services Team were able to work from home on a full-time basis swiftly as all individuals had appropriate equipment and already had the ability to work remotely albeit on an ad-hoc basis. The quick transition ensured the continuity of essential services and for support to Members to be maintained.

6. Pursuant to the Coronavirus Act 2020, the Government issued the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These Regulations make provision for local authority meetings held before 7th May 2021 to be conducted remotely.
7. The Regulations also included provisions for the cancellation of the Annual Council meeting in May 2020. Any appointments normally made at the Annual Council meeting will remain in place until the next Annual meeting or until such time as the Council may determine.
8. In the period 23rd March to 21st May, 2020, the Scheme of Delegation in the Council's Constitution was adapted (with the agreement of both Group Leaders) to ensure that urgent or emergency decisions could be made alongside the proper levels of scrutiny and democratic oversight ([Delegated Decision Reference CEX/03/2020](#)).
9. These temporary powers were discontinued after 21st May 2020 and arrangements were then put in place for the cycle of virtual Council, Cabinet and Committee meetings to be held using Microsoft Teams. Initial training and support was offered to Members and Officers in using remote technology with advice and guidance from ICT Services.
10. Following extensive tests, the first 'official' Committee meeting held using Microsoft Teams was the Development Control Committee on 26th May, 2020. Since then, we have delivered the full cycle of Scrutiny Committees, Regulatory Committees, Cabinet and full Council meetings remotely ensuring the safety of Councillors, Officers and members of the public. All Members of the Council have successfully attended remote meetings as and when required.
11. In line with the Government Regulations, Members of the public and the press are entitled to attend virtual meetings. This has been achieved by publishing the links on the agenda or sending links directly to participants by email. Full details of Council, Cabinet and Committee meetings are publicly accessible on the Committee Management Information System.
12. The Council's Constitution has proved to be 'fit for purpose' enabling us to seamlessly apply the Regulations for remote meetings alongside the Council's usual decision-making procedures. It has not been necessary to make significant amendments to the Constitution as a result of the Regulations. The Council has continued to operate its democratic decision-making processes throughout the pandemic by virtual means using Microsoft Teams alongside the publication of documents on the Committee Management information System. We have complied fully with all the necessary statutory obligations.

13. Although it is possible to operate in a fully paperless way, we have continued to print agenda papers for Members who require them to give support in adapting to new ways of working. To increase transparency, meetings are recorded using Microsoft Teams and the public proceedings are uploaded to the [Council's YouTube Channel](#) for general viewing.
14. A small number of meetings have recently started taking place physically and only where this was essential given the nature of the business. For example, the Appointments Committee and the disciplinary Appeals Committee. Any physical meetings are conducted with Covid-19 secure procedures in place.
15. Whilst a return to 'business as usual' is desirable in due course for key Council and other meetings, there are future opportunities to capitalise on the benefits of remote working, reducing costs and travelling for some meetings. Examples are Member/Officer briefings, Agenda Meetings, Working Groups, seminars and training events.
16. National representative bodies are making a submission to the Government with a view to making it possible for local authorities to continue holding virtual meetings where this is desirable or necessary beyond 7th May, 2021.
17. Democratic Services will continue to learn from best-practice and experience across the sector. The Team continue to work closely with ICT Services to develop the use and functionality of Microsoft Teams. Although there are alternative methods of delivering remote meetings, the Council's preferred platform is Microsoft Teams which is fully supported by ICT Services.

General Support to Members

18. Democratic Services contacted all Councillors by telephone during the lockdown to check on general wellbeing and to offer any support. Throughout the pandemic, Members have utilised a range of recognised communication and support channels, such as Councillor Contact, Dudley Council Plus and the Member's ICT helpline. For general enquiries, Democratic Services can be contacted on 01384 815238 or democratic.services@dudley.gov.uk
19. In line with the Council's Values and Behaviours, the principles of working together, accountability and determination have been particularly important to ensure the continued delivery of services during this very difficult period. The guiding principles relating to the working relationships between Members and Officers are set out in the Council's Member Officer Charter.

Community Forums and Councillor Surgeries

20. Government guidance continues to recommend that where meetings can take place digitally, without the need for face-to-face contact, they should do so.

21. Where it is essential for Council buildings to be used for physical meetings, these meetings must be managed within the social distancing guidance and principles. The principles in the 'safer workplaces' guidance apply but are not limited to:
 - meetings of civic, political or community groups (e.g. parish council meeting, ward meeting of political party; charity board of trustees)
 - MP or councillor surgery/drop-in sessions. The Government is discouraging unnecessary physical attendance at meetings.
 - public meetings and local consultations (e.g. planning)
22. In the current local and national context, it is recommended that Advice Surgeries and Community Forums are not held physically. Members are recommended to continue engagement with residents through digital methods or telephone contact.
23. Communications have been issued to assure residents that elected members are available for support and to discuss concerns with residents over the phone or by using published contact details including via e-mail. Community Forum meetings have not been programmed for the remainder of 2020. The situation will be monitored and Group Leaders consulted at the appropriate time as the situation changes. Local community organisations and groups are still welcome to apply for Community Forum funding. Applications will continue to be determined virtually following consultation with the Chairs/Vice-Chairs and Ward Councillors.

School Appeals

24. In a similar way to the provisions for remote local authority meetings, the Government issued the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. These Regulations provide for school appeals to be held remotely up to 31st January, 2021. The Democratic Services Team received virtual training in this regard from an external provider.
25. The peak period for school appeals is between May and July, however, ad hoc appeals are determined throughout the year. In line with Government Regulations, arrangements have been put in place to hear and determine all school appeals remotely. This was led by Democratic Services in conjunction with the School Admissions Team and engagement with the Independent Panel Members. All parents were provided with an explanation of how their appeals would be conducted.
26. Democratic Services have engaged with the Independent Members who serve on the Appeals Panels to ensure appropriate levels of support and training in the use of remote technology. Feedback has been positive with a recognition that we have maintained the overall fairness and integrity of the appeals process.
27. A total of 315 school appeals were received between 23rd March and 15th October, 2020. 216 appeals were dealt with by way of virtual remote hearings. The remainder were either withdrawn or an alternative school place was allocated.

28. Completing the school appeals in line with the normal school admission round for 2020 was a considerable achievement given the short lead in times and the need for training and testing of the available remote technology. In addition to maintaining an essential statutory service for schools and parents, the Team has continued to generate essential income.
29. National representative bodies are making representations to the Government to make it possible for local authorities to continue holding school appeals remotely where this is desirable or necessary beyond 31st January, 2021. Positive feedback has been received in Dudley and nationwide as to the ease with which parents can present their case without feeling intimidated by a formal physical hearing.

Finance

30. The costs of operating the Council's ongoing governance arrangements are being contained within existing budgetary allocations.

Law

31. The Council's governance arrangements are operated in accordance with the provisions of the Local Government Acts 1972 and 2000, the Localism Act 2011, any subsequent legislation, statutory provisions, associated Regulations and Guidance.
32. 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 made under the provisions of the Coronavirus Act 2020.
33. The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020 were made under the provisions of the School Standards and Framework Act 1998.

Equality Impact

34. The Council's governance arrangements reflect statutory requirements and the Council's commitment to equality and diversity.

Human Resources/Organisational Development

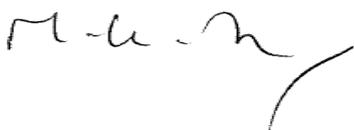
35. The services referred to in this report are primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required.
36. Ongoing work is being undertaken to ensure the wellbeing of employees who have been required to work from home for an extended period.

Commercial/Procurement

37. This report has no impact on the Council's potential to commercially trade. Democratic Services continue to generate income from the provision of an independent school appeals clerking service.

Health, Wellbeing and Safety

38. As an integral part of the Council's governance arrangements, report authors and decision takers are required to consider the impact on the health, wellbeing and safety of the Borough's citizens. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future. The measures outlined in this report aim to protect the health and wellbeing of Members, Officers and the public during the Covid-19 Pandemic.



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List of Background Documents

[The Council's Constitution](#)

Agenda, Reports and Minutes of meetings available on the [Committee Management Information System](#)

[Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020.](#)

[School Admissions \(England\) \(Coronavirus\) \(Appeals Arrangements\) \(Amendment\) Regulations 2020](#)