

**Royal Borough of Kingston
Meeting of Council
29 April 2021**

Late Material

Review of Emergency Decision Making Arrangements (Appendix D)

Since the publication of the agenda for this meeting confirmation has been received that the High Court has dismissed the case for the continuation of remote meetings of local authorities referred to in paragraph 15 of the report. Whilst the Court recognised that *“there are powerful arguments for the continuation of remote meetings”* it took the view that *“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.”*

As a consequence, once the existing temporary Regulations which expressly permit meetings to be held virtually expire on 6th May all local authority meetings must be held in person with all Members present in the same physical meeting space unless and until legislation is brought forward to amend the position.

Proposals for the way in which the Council returns to in person meetings from 7th May onwards are set out in the report and summarised in paragraph 36. Attached as an **Annex** to this late material is an analysis of the equalities implications of returning to face to face meetings with mitigation measures (paragraph 40 of the report refers).

Two minor amendments to the proposed arrangements set out in paragraph 36 are now proposed:

- 1) Neighbourhood Committees - Paragraph 29 of the report refers to the recommendation that all Neighbourhood Committees up to the meeting of Council on 20th July be held at the Guildhall rather than off site venues in order to ensure sufficient space for all Members to attend with appropriate social distancing, adequate control of all other risk mitigation measures and the ability to broadcast proceedings to the public. This arrangement would continue beyond 21st June, the earliest possible date suggested in the Government roadmap for the removal of all social distancing and other mitigation measures, for reasons of logistical certainty. There can be no guarantee at this stage that all social distancing requirements and other

mitigation measures will be able to be removed on 21st June and off site venues for meetings need to be secured well in advance.

It is recommended that this provision now applies to all meetings of Neighbourhoods up to 30th July so as also to encompass the meeting of the Surbiton Neighbourhood Committee on 22nd July (Kingston Town's Planning Sub-Committee, which is scheduled for 27th July, customarily meets at the Guildhall in any case). Although the meeting of Council on 20th July may be in a position to agree a return to normal arrangements, notice of the venue for the Surbiton meeting would need to be given in advance of any such decision.

- 2) Licensing Committee - the Licensing Committee is scheduled to meet immediately upon the rising of the Annual Meeting of Council in order to formally appoint its Sub-Committees for the new Municipal Year. If it does not do so no Licensing Sub-Committee hearings may be held. Since this is normally a routine and very brief item of procedural business it is proposed that a quorum only meeting of the Licensing Committee comprising four Members be held immediately after the Annual Meeting of Council for this purpose only.

Council is therefore now recommended to **RESOLVE** that -

1. all Committees due to meet between 7 May and 21 June 2021 which are not time critical be rescheduled to a date after 21 June, at which point it is anticipated that they will be able to meet in person without restrictions. This would include the rescheduling of Council from 13 to 20 July;
2. the adjusted calendar of meetings for the period between May-July 2021 attached at Annex 1 to the agenda report be approved;
3. the Annual Meeting of Council on 18 May be held at the Guildhall with only the 12 Members sufficient to form a quorum present in person with Groups invited to nominate attendees based on their overall representation on the Council (ie: 10 seats for the Liberal Democrat Group and 2 seats for the Conservative Group)
4. a separate Mayor Making ceremony be held in the grounds of the Guildhall on 18 May, prior to the Annual Meeting;
5. a meeting of the Licensing Committee be held at the Guildhall immediately upon the rising of the Annual Meeting of Council with only the four members sufficient to form a quorum present in person with Groups invited to nominate attendees based on their overall representation on the Council (ie 3 seats for the Liberal Democrat Group and 1 seat for the Conservative Group);
6. those meetings of Committees which cannot be rescheduled be held on the dates proposed in the draft calendar of meetings for the 2021/22 Municipal Year considered by the Response and Recovery Committee on 25 March

- 2021 with the application of all risk mitigation measures as may be appropriate including those set out in paragraphs 25-26 of the agenda report;
7. The 20 July meeting of Council and other meetings which by virtue of the number of individuals who need to be in attendance cannot be accommodated in the Guildhall be held at suitable venues elsewhere in the Borough;
 8. All meetings of Neighbourhood Committees prior to 31 July 2021 be held at the Guildhall;
 9. all meetings of Council and Committees up to and including the July Council meeting continue to be live streamed;
 10. the arrangements be further reviewed at the meeting of Council in July; and
 11. the Chief Executive Officer, in consultation with the Monitoring Officer, the Director of Public Health, the Leader of the Council and the Leader of the Opposition, be authorised to make any such adjustments to the arrangements set out above as may be required in the event of a material change in the public health situation.