

# MDA No.: 1298

## Title: Submission to the Government's call for evidence regarding remote meetings

### 1. Executive Summary

1.1 At the London Assembly (Plenary) meeting on 10 June 2021 the Assembly resolved that:

*Authority be delegated to the Chair of the Assembly, in consultation with the Deputy Chairman and party Group Leaders, to approve the Assembly's response to the Government's call for evidence regarding virtual meetings, noting that a response may form a joint submission on behalf of the Mayor and Assembly, and other bodies of the GLA Group.*

1.2 Following consultation with the Deputy Chairman and party Group Lead Members, the Chair is asked to agree the Assembly's submission to the Government's call for evidence regarding virtual meetings, as attached at **Appendix 1**. This response is submitted jointly with the Mayor of London, Transport for London (TfL), Old Oak and Park Royal Development Corporation (OPDC) and London Legacy Development Corporation (LLDC).

### 2. Decision

3.1 **That the London Assembly's response to the Government's call for evidence regarding remote meetings, submitted jointly with the Mayor of London, TfL, OPDC and LLDC, be agreed.**

#### Assembly Member

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature:**



**Printed Name:** Andrew Boff AM

**Date:** 17 June 2021

### **3. Decision by an Assembly Member under Delegated Authority**

#### **Background and proposed next steps:**

- 3.1 On the 25 May 2021, the Government issued a call for evidence to seek views on the previous use of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which provided express provision for local authorities, including the Greater London Authority (GLA) to hold meetings remotely or in a hybrid format during the Coronavirus pandemic. The regulations expired on 7 May 2021.
- 3.2 Previously, on 17 February 2021 the Assembly alongside the Mayor of London, TfL, LLDC and OPDC, made representations to the Secretary of State for Housing, Communities & Local Government, setting out the case for making permanent the ability for organisations in the GLA Group to be able to hold virtual or hybrid meetings.
- 3.3 A proposed joint response from the Mayor of London, London Assembly, TfL, LLDC and OPDC to the call for evidence is set out at **Appendix 1**.
- 3.4 The exercise of delegated authority approving the submission will be formally noted at the London Assembly's next appropriate meeting.

#### **Confirmation that appropriate delegated authority exists for this decision:**

Signature (Committee Services): F. Bywaters

Printed Name: Fiona Bywaters

Date: 17 June 2021

Telephone Number: 020 7983 4425

#### **Financial Implications: NOT REQUIRED**

Note: Finance comments and signature are required only where there are financial implications arising or the potential for financial implications.

Signature (Finance): Not Required

Printed Name:

Date:

Telephone Number:

**Legal Implications:**

The Chair of the London Assembly has the power to make the decision set out in this report.

Signature (Legal): 

Printed Name: Emma Strain, Monitoring Officer

Date: 17 May 2021

Telephone Number: 020 7983 6550

**Supporting Detail / List of Consultees:**

- Keith Prince AM (Deputy Chairman), Len Duvall AM, Susan Hall AM, Caroline Russell AM and Caroline Pidgeon MBE AM.

**4. Public Access to Information**

- 4.1 Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website, usually within one working day of approval.
- 4.2 If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.
- 4.3 **Note:** this form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 - Deferral:**

Is the publication of Part 1 of this approval to be deferred? NO

If yes, until what date:

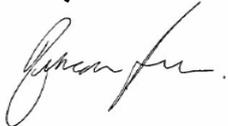
**Part 2 – Sensitive Information:**

Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form? NO

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**Lead Officer / Author**

Signature: 

Printed Name: Rebecca Arnold

Job Title: Assistant Director, Committee and Member Services

Date: 17 June 2021

Telephone Number: 020 7983 4421

**Countersigned by Executive Director:**

Signature: 

Printed Name: Joanna Davidson

Date: 17 June 2021

Telephone Number: 07813 7961

Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?

· **Very Well**

· Well

· Neither well nor poorly

· Poorly

· Very Poorly

· Unsure

The Regulations permitted the Mayor, London Assembly, Transport for London (TfL), London Legacy Development Corporation (LLDC) and Old Oak and Park Royal Development Corporation (OPDC) to carry out their statutory functions efficiently and effectively at all times, no matter the circumstances, in a transparent way, allowing elected Members and Board Members to debate key issues in public and take binding votes openly on important decisions. They allowed us to minimise the public health risks to them, supporting staff and the public.

Without this flexibility, we would have needed to rely entirely on schemes of delegation to carry on our work. Decisions by the London Assembly, TfL and the two Mayoral development corporations (MDCs) would by necessity have had to be taken by their Chairs only in consultation with their Members, rather be taken by those Members themselves.

Conducting business in this way is detrimental to Members' participation and "ownership" of decisions, as well as being harmful to public accountability and transparency, thereby heightening the risk of public misunderstanding and legal challenge. The fact that TfL and the MDCs, with their very specific planning and highways functions were specifically brought within scope last year underscores the unsatisfactory nature of conducting public business in this way and the importance of the flexibilities provided by the Regulations to open and accountable decision-making.

The Regulations permitted the Mayor to conduct Representation Hearings under section 2F of the Town & Country Planning Act 1990 in respect of planning applications of potential strategic importance that have been called-in for determination under section 2A, to be successfully held on a wholly virtual basis, allowing developers, London boroughs and others to participate remotely and effectively.

The GLA Group bodies concerned have been very careful to ensure equivalent openness and transparency in the way their meetings have been conducted and decisions taken. They have replicated, as far as practicable, the requirements of Part 5A of the Local Government Act 1972 (as applicable to their particular organisations) in a virtual manner, so that details of meetings (dates and times, details of its members including who will chair) and how the public can view them, including arrangements to participate where permitted, have been posted in advance on their individual websites. Agendas, minutes and reports have been published in the normal way five clear days in advance.

Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

- Yes
- No
- Unsure

Although it would not be our intention to hold entirely virtual meetings routinely, having the ability to do so where necessary will allow our Members to participate remotely where necessary and to manage any future emergency situation alongside local authorities up and down the country.

Local government law on meetings requires modernisation. It dates from 1985, before the world wide web, virtual meetings and web-streaming were a reality. Now that technology has evolved to allow the public to access meetings remotely, reaching a far wider audience, it is surely time for the law to evolve.

Q3. What do you think are some of the benefits of the remote meetings arrangements?  
Please select all that apply.

- More accessible for local authority members
- Reduction in travel time for councillors
- Meetings more easily accessed by local residents
- Greater transparency for local authority meetings
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online
- Easier to chair meetings in an orderly fashion
- A virtual format promotes greater equality in speaking time during meetings
- I do not think there are any benefits to remote meetings
- Other (please specify)

London's diversity is one of its biggest assets. Allowing scope for some virtual participation would strengthen our ability to continue to attract a diverse range of Board members to the Transport for London, London Legacy Development Corporation and Old Oak & Park Royal Development Corporation who may need to accommodate, for example, other demanding professional roles and/or caring responsibilities.

It would also provide flexibility for continued participation by Board Members and Assembly Members during life events such as paternity leave and maternity leave, bringing the political arena closer to being a modern workplace.

Whilst the Regulations were in operation, they allowed those Members who needed to shield to do so but to still continue to fulfil their roles. The return of similar Regulations would, in the longer term, provide benefits to those Members with disabilities and health issues and provide flexibility around the necessity to travel to meetings.

During the period the Regulations operated, where an urgent meeting was required, in many instances these proved easier to arrange whilst the virtual meetings regulations were in force, as for those Board or elected Members with busy and/or some distance to travel across London, there was no need to factor in travel time. Given that the Greater London Authority and Transport for London are pan-London organisations, Members are often required to travel some distance to meetings. The same considerations apply to the public wanting to attend proceedings, and so they have been more accessible when held on a virtual basis.

In addition, we consider that provision for virtual participation would also align with and support the Government's digital planning reforms, allowing planning committees to improve public engagement and interaction with planning policy and decisions.

For the parts of the GLA Group that did not routinely broadcast its meetings prior to the introduction of the virtual meeting Regulations, meeting remotely with contemporaneous broadcasting has in many cases increased the size of the audience watching and listening to the debates and decision-making process.

Virtual meeting technology also enables webcasts of meetings to be archived and made available on local authority websites, which further improves and widens accessibility of formal meetings.

Finally, whilst current legislation does not prevent invited guests from participating virtually, investment in virtual meeting technology benefits people participating in meetings as invited guests and enables our organisations to secure the participation of a wider range of guests.

Q4. (For local authorities only) Have you seen a reduction in costs since implementing remote meetings in your authority?

- Yes
- No
- Unsure

The GLA has an established infrastructure for broadcasting formal meetings.

Small savings were achieved through the relaxation of the legal requirement to provide hard copy agendas for the public and press/for public inspection. These savings have been enhanced in many cases by decisions to stop or reduce production of hard copy agendas for Board and elected Members.

In some cases there were also small savings arising from reduced meeting security costs.

Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome? Please select all that apply.

- It is harder for members to talk to one another informally
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- There is less opportunity for local residents to speak or ask questions
- Some find it more difficult to read documents online than in a physical format
- Debate is restricted by the remote format
- It is more difficult to provide effective opposition or scrutiny in a remote format
- It is more difficult to chair meetings in an orderly fashion
- Virtual meetings can be more easily dominated by individual speakers
- It might enable democratically elected members to live and perform their duties outside their local area on a permanent basis, therefore detaching them from the communities they serve
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is conducted
- I do not think there are any disadvantages to remote meetings
- Other (please specify)

Whilst there was an initial learning curve as our organisations adjusted to virtual meetings and whilst virtual meeting etiquette needs to be followed to ensure that meetings are well-structured and easy for the public to follow, we do not consider that the virtual format necessarily stifles debate, scrutiny or high quality decision-making.

If the law were changed, it would not be our intention to hold entirely virtual meetings routinely. However, having the ability to do so would allow us to manage any future emergency situation and also, more generally, provide the benefits and flexibilities outlined above.

It is our view that it should be for each authority to determine when a fully virtual meeting would be appropriate. However, we would envisage the majority of our formal meetings being held either fully in-person or in hybrid format. For those in hybrid format, there would be an advertised physical location and an appropriate quorum of Members would be required to participate in person, but the remaining Members would be able to participate virtually. Even when held on a hybrid basis, Members should be able to vote and count towards the meeting quorum whether or not they are physically present at the advertised physical location.

This would retain the benefits of entirely physical meetings but also many of the benefits of fully virtual meetings, and allow for some modernisation.

Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?

Physical meetings do have benefits, including: ensuring that members of the public without a computer and/or the internet can access democratic processes; allowing members of the public to observe their elected representatives in person; and providing elected Members and Board members with the opportunity to build relationships. If the law were changed, it would not be our intention to hold entirely virtual meetings routinely. However, having the ability to do so would allow us to manage any future emergency situation and, more generally, provide the benefits and flexibilities outlined above.

It is our view that it should be for each authority to determine when a fully virtual meeting would be appropriate. However, we would envisage the majority of formal meetings being held either fully in-person or in hybrid format and with the current openness requirements of Part 5A of the Local Government Act 1972 being followed in the same way as for a wholly physical meeting.

For those meetings in hybrid format, there would be an advertised physical location and an appropriate quorum of Members would be required to participate in person, but the remaining Members would be able to participate virtually. This would retain the benefits of entirely physical meetings – for example, providing a way of accessing meetings for those members of the public without access to a computer or the internet - but also all the benefits of fully virtual meetings outlined in our response to question 3 above, including: increased flexibility for those with disabilities and Members who might need to shield; benefits in attracting and recruiting a diverse range of Members; and improved accessibility for members of the public wishing to observe meetings.

We would propose that local authorities (including the current GLA Group bodies covered by Part 5A of the 1972 Act) be required to consider and approve in public and then publish a policy on virtual/hybrid meetings at regular intervals, which takes into account views received from members of the public. The Government may wish to highlight best practice for local authorities to consider when approving such a policy, recognising that different types of authority will have different considerations and different levels of media/public scrutiny of and interest in their policy.

Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?

- For all meetings
- For most meetings with a few exceptions (please specify)
- Only for some meetings (please specify)
- I think local [word missing] should be able to decide for themselves which meetings they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings for any meetings
- Unsure

Q8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?

- In any circumstances
- Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, coronavirus restrictions)
- I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings under any circumstances
- Other (please specify)
- Unsure

Q9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

- Yes
- No
- Unsure

It has not been our experience that the virtual format has stifled debate, good scrutiny or high quality decision-making.

Q10. If yes, do you have any suggestions for how your concerns could be mitigated/overcome?

N/A

Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

- Yes
- No
- Unsure

In our view, people with caring responsibilities and a wide range of people with disabilities benefit from being able to attend or observe a meeting remotely as a Member, invited guest and/or as a member of the public.