

Report of:	Executive Member for Finance and Governance and Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
Submitted to:	Council
Date:	6 July 2022
Title:	Paper-lite and remote meetings
Report for:	Decision
Status:	Public
Strategic priority:	All
Key decision:	No
Why:	Not applicable
Urgent:	No
Why:	Not applicable

Executive summary

Council are asked to consider the implementation of a four month trial of paper-lite meetings, meaning that all councillors will access their committee papers through Modern Gov. To ensure all concerns in the implementation of this pilot are addressed, it is proposed that members will be offered guidance, support and training alongside a degree of flexibility for members to print off meeting papers themselves; either at home, through a multi-functional device within the Town Hall, or request a copy be posted.

Council are also asked to consider its stance on retaining the flexibility of remote committee meetings for non-decision making meetings.

Purpose

To seek Council approval for the implementation of a four-month pilot of paper-lite meetings with a view to reviewing success and feeding back to Council, accordingly.

Background and relevant information

1. Democratic Services have been redesigning services to improve service delivery, with a better focus on digital opportunities, and being more efficient through investment in our ICT infrastructure, increasing member and officer self-service to achieve savings and efficiencies through a reduction of printing and postage costs by the introduction of paper-lite meetings
2. The programme was dependent upon councillors (and officers) having improved ICT devices with all the necessary functionality and software to enable them to read and annotate agendas electronically and, importantly, having the necessary training on how the devices and software operate.
3. The Council procured a new committee management system (Modern Gov) to enable the above functionality and elected members have been using the system for a year. Officers are also utilising this system and now only receive notification and access to internal managers and Council meeting papers electronically.
4. In addition to the above the reduction in the use of paper would show members commitment to reducing the Council's carbon footprint and tackling climate emergency and supporting the Council's Digital Strategy.
5. A number of local authorities nationally have already adopted a paper-lite approach to committee meetings by the use of laptops/tablets by councillors, together with the associated app enabling them to view and annotate agendas. These authorities recognise the benefits, which can generally be summarised as follows:
 - Devices are portable, convenient and easy to use once users become familiar with them.
 - Access to information can be improved – e.g. all meeting papers (current and previous) are easily available.
 - Information can be stored very securely, which is important when meeting papers contain sensitive, or exempt/confidential information.
 - Savings can be made on paper, printing and postage of meeting papers.
 - An authority's carbon footprint can be reduced - paper and stationery usage is reduced, less energy is used to produce printed papers.
6. During the pandemic there was a need to move to remote meetings and to electronic paper delivery to enable members to continue with decision making. The Council used Webex to facilitate those meetings. So members have now had some experience of utilising the systems.
7. A Paper-lite and Remote Meeting survey of all members of Middlesbrough Council was carried out by Democratic Services in April 2022, to ascertain the view of members in relation to the introduction of paper-lite meetings. The outcome of the survey is attached at Appendix 1 to the report.
8. A 'frequently asked questions' document in relation to the implications of introducing paper-lite meetings was compiled by Democratic Services. A copy of the document is attached at Appendix 2.

9. The Constitution and Members' Development Committee considered the issue at the meeting held on 15 June 2022 and recommended that Council agree that a trial of paper-lite meetings be undertaken and encourage all members to optimise the use of the technology they already have.
10. To ensure all concerns in the implementation of this pilot are addressed, it is proposed that members will be offered guidance, support and training alongside a degree of flexibility for members to print off meeting papers themselves; either at home, through a multi-functional device within the Town Hall, or request a copy be posted.

Virtual/Face-to-Face meetings

11. The Government introduced remote meetings in April 2020 under emergency legislation to enable councils to make critical decisions democratically and without delay during the pandemic. The Local Government Association and many Local authority leaders called on the Government to allow councils to hold virtual and hybrid council meetings. After the national lockdown, the Government rejected calls from local authorities to make the rules permanent and councils were forced to return to in-person meetings.
12. The rules apply to elected members as the decision makers, however there is scope for all meetings to be hybrid i.e. for officers, guests and / or the public attendance. Remote and hybrid meetings can also still be used for other events such as Member briefings, Member development events, staff conferences, meetings and training. Therefore this technology is being scoped to ensure the Council can operate efficiently and effectively going forward.
13. The Local Government Act 1972 sets out the mechanisms for how Council committees are run. This legislation specifies that council meetings within the scope of the Local Government Act 1972 must take place in person at a single, specified, geographical location and with members being "present" at such a meeting which involves physical presence at that location. These meetings include decision making meetings such as (but not limited to) Council, Licensing, Planning, Corporate Affairs and Audit, Staff Appeals.
14. It was felt that where meetings taking place in person then Council officers would also be expected to attend in person unless exceptional circumstances applied. This would be agreed with the Chair of the meeting.
15. Overview and scrutiny committees were introduced in the Local Government Act 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
16. Since the lapsing of the Coronavirus legislation that allowed remote meetings to take place, there have been differing interpretations of the Local Government Act 1972 in relation to non-decision making meetings with many local authorities reverting back to face-to-face meetings and some retaining remote or hybrid meetings for those non-decision making and or informal meetings.
17. When advising members of the lifting of all Covid restrictions and that all meetings should return to in person attendance, there were conflicting views from current Scrutiny Chairs and some requests to retain the flexibility of remote meetings.

18. There are a number of committees such as scrutiny panels, Corporate Parenting Board, Health and Safety Steering Group and Works Council, that tend to make recommendations or are advisory committees and therefore are classed as non-decision making meetings that would not be subject to judicial review.
19. Again in addition to the survey political group leaders and the Constitution and Member Development Committee were consulted on the options available.
20. Those against maintaining remote meetings argued that:
- Technical difficulties and home internet access still caused problems for some
 - Managing the meeting and personal interactivity (reading the room) is more difficult
 - The loss of footfall in the town centre is having a negative impact on the local economy and businesses
 - There was a simple preference for in person meetings and paper copies of reports and need for training
21. Those in support of maintaining some flexibility argued that;
- providing virtual meeting can make council meetings more accessible e.g. allows access for those with family commitments or disabilities
 - virtual meeting improved attendance and engagement from the public, members and invited specialists
 - reduces the impact on travel time for the public, members and those attending to give evidence
22. Based on the evidence at the time the overarching view of the Committee was that the Council should have the flexibility to hold virtual, hybrid and in-person meetings to suit the local context and needs of residents and councillors within the context of the current legal framework.
23. If this was to be the case there would be a need to ensure democratic decision-making and consistency. The committee recommended that it should be the decision of the whole committee at its first meeting, following the AGM, to agree the format of those committee meetings. This decision should apply until the next AGM unless exceptional circumstances apply or where the purpose of the meeting is better served by being in person i.e. site visits / workshops or demonstrations.
24. However since the last Constitution and Members' Development Committee meeting further research has been undertaken which showed that there was an **absence of** absolute legal clarity and room for interpretation as to whether some scrutiny panels, for example, could be lawfully held virtually.
25. Therefore Council are strongly recommended to consider whether it is appropriate to introduce un-certainty into our governance processes and compliance with the law at this time.

What decision(s) are being recommended?

26. That Council approve the following:

- i. A four month trial of paper-lite meetings be held for all Council, Executive or any other Council meeting, Panel or Working Group by embracing the current technology available to councillors and officers.
- ii. That face-to -face meetings be resumed for all Council constituted formal committee meetings including scrutiny and advisory committees. This will not preclude 'experts' such as foster carers (Corporate Parenting Board) or health professionals (Health scrutiny) attending remotely but all Committee members would be required to attend the meeting in person. This will be reviewed should further government guidance or legal clarity can be achieved.

Rationale for the recommended decision(s)

27. On 11 May 2021, the Executive approved the adoption of a Green Strategy following an extensive public consultation process. The Green Strategy is a very long term approach to tackling climate change within Middlesbrough and the first year (2021 to 2022) is being treated as a baseline year to gather all necessary baseline data required to set targets and measure success going forward.

28. Council has already introduced paperless meetings at officer level; for example, the weekly meetings of the Corporate Management Team and Leadership Management Team are now fully paperless.

Other potential decision(s) and why these have not been recommended

29. Do nothing. A number of councils have completed a transition to paperless meetings over the past three or four years and there is a clear direction of travel in this regard, such that over the course of the next few years it is expected to become standard practice in local government.

30. This Council is now at the point at which it can begin a transformation to radically reduce our reliance on, and use of, paper. This will not only save the Council a considerable amount of money each year, but also assist in reducing our carbon footprint and set an example to others.

31. Retaining flexibility of remote meetings improves public engagement and retains the Councils ability to operate in cases of emergency, however without legal clarity it introduces a level of unnecessary risk.

Impact(s) of the recommended decision(s)

Legal

32. The Local Government Act 1972 and the Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the legal provisions governing the requirement to make available agendas and minutes of

Council and committee meetings and Executive meetings both to councillors and to the public.

33. In relation to full Council meetings, Schedule 12 – Meetings and Proceedings of Local Authorities to the 1972 Act requires us, amongst other things, to send to every member of the Council, “a summons to attend the meeting, leaving it at, or sending it by post to, the member’s usual place of residence, specifying the business proposed to be transacted at the meeting” at least five clear days before the meeting. This provision also applies to committee meetings by virtue of Section 99 of the 1972 Act.
34. In partial response to changing technologies, The Local Government (Electronic Communications) (England) Order 2015 permits delivery of an electronic summons to Councillors, subject to the consent of the Councillor.
35. In respect of Council and committee agendas, including the “connected” reports, Section 100B (1) of the 1972 Act requires that “copies of the agenda for a meeting” and “copies of any report for the meeting shall be open to inspection by members of the public at the offices of the council.”
36. Section 100B (6) of the 1972 Act requires us to make available for the use of members of the public present at the meeting “a reasonable number of copies” of the agenda.
37. Regulation 7 of the Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires us to make available for public inspection at least five clear days before a meeting of the Executive a copy of the agenda (including the reports) at the Council offices and on the website. Paragraph (6) of Regulation 7 requires us to make available for the use of members of the public present at the meeting “a reasonable number of copies” of the agenda and reports for the meeting.

Human Rights, Equality and Data Protection

38. This proposal does not raise any impacts for those individuals or groups with protected characteristics

Financial

39. Annual savings in printing costs and courier delivery costs could be achieved if the Council adopted paperless meetings.
40. If the proposals in this report were introduced, there would still be a requirement to produce two hard copy agendas in respect of each meeting to which the public are entitled to attend. However, the cost would be a fraction of the current costs.

Risk

Strategic priorities and risks

41. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk.

Risk No	Risk Description	Impact
O8-054	Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement.	<p>The key risks to the Council of not embracing the concept of paperless meetings are:</p> <p>(a) The opportunity of achieving financial efficiency savings would be missed.</p> <p>(b) The opportunity of demonstrating a willingness to reduce our carbon footprint, and effecting an actual reduction in CO2 emissions, would be missed.</p> <p>(c) Reputational damage to the Council as a consequence of (a) and (b) above.</p>

Actions to be taken to implement the decision(s)

Action	Responsible Officer	Deadline
Further training be delivered to those members that require it in relation to the use of Modern Gov	Democratic Services Officers	Ongoing
That the Council procedure rules be amended to include format of meetings decision	Democratic Services Officers	31 July 2022
<p>That the following amendment be made to the Access to Information Procedure Rules in Part 4 of the Constitution:</p> <p>“Reference in these procedure rules to the making available or supply of copies of any agenda and reports, or any other written material submitted to the Council, Executive, Committee or Sub-Committee shall include the provision of such copies by electronic means.”</p>	Democratic Services Officers	31 July 2022

Appendices

1	Copy of Paper-lite and Remote Meeting survey
2	Copy of frequently asked questions document.

Background papers

None

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