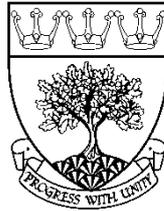


# LONDON BOROUGH OF EALING



**Members of the Council of the London Borough of Ealing are hereby summoned to attend the Annual Meeting of the Council to be held at Ealing Town Hall at 7.00 pm on Tuesday, 18 May 2021 to transact the business set out below.**

A handwritten signature in black ink, appearing to read 'P. Naysarkh', is written in a cursive style.

**Chief Executive**

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**Venue:** Victoria Hall, Ealing Town Hall, New Broadway, Ealing, London, W5 2BY

## **AGENDA**

## **Public Attendance at the Meeting**

-

**This meeting will take place at the Victoria Hall in Ealing Town Hall and webcast live on the Council's YouTube site. Therefore we encourage any public intending to attend to watch remotely to reduce the risk of the spread of COVID.**

**Public Attendance is permitted in person. However we ask that any members of the public planning to attend in person notifies us in advance by emailing [democraticservices@ealing.gov.uk](mailto:democraticservices@ealing.gov.uk) or calling 020 8825 7497. This is to ensure that there is sufficient capacity in the public gallery in the meeting room and that the Council can comply with social distancing requirements.**

### **1 Election of Mayor for Municipal Year 2021/22**

-

The Mayor will call for nominations and put them to the meeting.

The newly elected Mayor will make declarations of acceptance of office and after they have been invested will take the chair and address the Council.

A vote of thanks will then be proposed to the Mayor for 2019/20 and 2020/21 (Councillor Gulaid).

### **2 Appointment of Deputy Mayor for Municipal Year 2021/22**

-

Council to note the appointment of the Deputy Mayor by the Mayor.

The newly appointed Deputy Mayor will make their declaration of acceptance of office.

### **3 Apologies for Absence**

-

To note any apologies for absence.



- 10      **Cabinet Portfolios and Opposition Leaders and Deputy Leaders**      -
1. To note the appointment of Cabinet by the Leader of the Council for the 2021/22 Municipal year.
2. To note the appointment of Cabinet aides (if any) by the Leader of the Council for the 2021/22 Municipal year.
3. To note the appointment of Leader and Deputy Leader of the Opposition and Leader and Deputy Leader of the Second Opposition Party.
- 11      **Appointments to Committees and Panels**      -
1. To agree with the nominations to the Council's committees and panels.
2. To consider, in accordance with Section 17 of the Local Government and Housing Act 1989, appointing members to committees which do not reflect the political balance across the Council (if any).
3. To agree the appointments of chairs and vice chairs to committees and panels.
- Note:** The list of nominations, including chairing arrangements, will be circulated on the day of the meeting. Some nominations may be revised at the meeting.
- 12      **Representatives on Other Bodies**      -
1. To agree the list of nominations to other bodies.
2. To note that minute 155/64 reads as follows: "That in all appointments of members to represent the Council on other bodies, it shall be understood that, in the absence of any indication to the contrary, there is an implied undertaking on the part of each member to resign from the body concerned, if required by the Council, in the event of them ceasing to be a member of the Council before the expiry of their term as representative."
- Note:** The list of nominations will be circulated on the day of the meeting.
- 13      **Committee Meetings after 7 May 2021**      19 - 26

**14 Date of Next Meeting**

-

The next meeting will be held on 22 June 2021.



<b>Report for:</b> <b>ACTION</b>
<b>Item Number:</b> 9

<b>Contains Confidential or Exempt Information</b>	<b>NO</b>
<b>Title</b>	Proposed changes to the council’s constitution, including changes to the Scheme of Allowances
<b>Responsible Officer(s)</b>	Director of Legal and Democratic Services
<b>Author(s)</b>	Helen Harris
<b>Portfolio(s)</b>	Leader
<b>For Consideration By</b>	Full council
<b>Date to be Considered</b>	18 <sup>th</sup> May 2021
<b>Implementation Date if Not Called In</b>	Not applicable
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Constitution changes

**Purpose of Report:**

A report recommending changes to the council’s constitution, relating to:

- cabinet portfolios, and
- Members’ Allowances Scheme

**1. Recommendations**

That full council:

- 1.1 Considers the contents of this report,
- 1.2 Approves the changes to the constitution set out in appendix one, and
- 1.3 Approves the change to the Members’ Allowances Scheme, set out in appendix two

**2. Reason for Decision and Options Considered**

2.1 The Director of Legal & Democratic Services (DLDS) is responsible for keeping the constitution under review and making recommendations for change

as and when appropriate. The changes proposed in this report are an outcome of that ongoing review.

2.2 Councils are required to establish and maintain an independent remuneration panel to provide advice on their own schemes and amounts to be paid and the pensionability of allowances where relevant. Regulations provide for an independent remuneration panel to be established by London Councils to produce reports for authorities across London and the Council must have regard to its advice. Report for: ACTION Item Number:2

2.4 The conclusions of the 2018 review (“Review”) and recommendations can be found in the report ‘The Remuneration of Councillors in London 2018’. The Review Panel has had no direct involvement in the recommendations within this report.

2.5 The 2018 Review emphasises (page 3) that “the workload and responsibilities of councillors continue to increase and ... their role has become more complex” and that “the expectations of the public continue to rise”.. The Review also emphasises (page 4) the general principle that “Allowances are not shown by polls to be something which influence councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive”. The Review emphasises (page 7) that “it is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration with the band. They must have regard to our recommendations.”

2.6 Ealing’s allowances have historically been significantly lower than those recommended by the Panel. The reason for the high proportion of SRAs is due to the number of Scrutiny roles that attract an SRA, demonstrating the importance and status the authority places on an effective Overview and Scrutiny function. The proportion of members eligible to receive an SRA has been benchmarked against neighbouring boroughs and Ealing is within the middle of the range.

2.7 In 2020/21 the scheme was amended to explicitly state that no member should receive more than one SRA, although this principle had been followed in practice in Ealing at least since 2018/19.

2.8 A comparison of Ealing’s allowances with those of other London boroughs is set out in the table below. The comparative figures are from 2018/19 which is the latest up to date benchmarking information published by London Councils:

	<b>Basic Allowance</b>	<b>Leader</b>	<b>Deputy Leader</b>	<b>Cabinet</b>	<b>Chair of OSC</b>	<b>Planning &amp; Licensing</b>
Current LBE rate	£9,708	£32,100	£21,384	£16,032	£16,032	£16,032
LBE rank in London (out of 32)	23 <sup>rd</sup>	24 <sup>th</sup>	16 <sup>th</sup>	19 <sup>th</sup>	9 <sup>th</sup>	Figures not available
London Councils' Independent Review Panel Recommendation 2018	£11,045	£57,085	£36,917 - £43,460	£36,917 - £43,460	£36,917- £43,460	£16,207 - £29,797

### 3. Key Implications

#### Cabinet responsibilities

3.1 Ealing Council is a large and complex organisation. Top level, fully resourced political leadership and focus is vital for the effective operation of the council. In recent years, providing that focus has become increasingly challenging for politicians who also have significant draws on their time by reason of family or “day job” commitments. The creation of two additional cabinet portfolios will make it possible for each portfolio holder to more effectively lead the services for which they have portfolio responsibility.

#### Members' Allowances Scheme

The change to the Members' Allowances Scheme is required, by reason of the creation of additional cabinet portfolio holder capacity.

A time limited, pro rata allowance is proposed for the vice chair of the Equalities Commission, to recognise the importance of the Commission and the role of the vice chair in facilitating the large volume of engagement and activity required. It is anticipated that the commission will report in early Autumn, at which point the allowance will expire.

### 4. Financial

Financial implications of the change proposals can be met from existing council resources.

### 5. Legal

5.1 The Local Government Act 2000 (section 9P) requires that every council has a constitution. That constitution must contain:

- A copy of the council's council and committee procedure rules (standing orders)
- A copy of the code of conduct for councillors

- Any information directed by the Secretary of State
  - Any other information considered appropriate by the council
- 5.2 The constitution must be made available to the public. It is best practice to keep the constitution under review and therefore up to date; at Ealing that task is undertaken by the Director of Legal and Democratic Services, reporting to the Constitution Review Group and subsequently to full council.
- 5.3 Section 18 of the Local Government and Housing Act 1989 (as amended by section 99 of the Local Government Act 2000) makes provision in relation to basic, special responsibility and dependents' carers' allowances for members of local authorities. The Local Authorities (Members' Allowances) (England) Regulations 2003, which have been made under these provisions, provide that it is for each local authority to decide its own scheme and the amounts paid under that scheme.
- 5.4 Regulation 5 of the 2003 Regulations specifies that the council may pay special responsibility allowances for members carrying out any of the following categories of activity:
- (a) acting as leader or deputy leader of a political group within the council;
  - (b) acting as a member of the cabinet;
  - (c) presiding at meetings of a committee or sub-committee of the council, or a joint committee of the council and one or more other councils, or a subcommittee of such a joint committee;
  - (d) representing the council at meetings of, or arranged by, any other body;
  - (e) acting as a member of a committee or sub-committee of the council which meets with exceptional frequency or for exceptionally long periods;
  - (f) acting as the spokesman of a political group on a committee or subcommittee of the council;
  - (g) acting as a member of the Adoption Panel;
  - (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the council to license or control the carrying on of any activity;
  - (i) carrying out such other activities in relation to the discharge of the council's functions as require of the member an amount of time and effort equal to or greater than would be required of the member by any one of the activities mentioned above.

## **6. Value for Money**

The proposals are designed to make the council operate more effectively and efficiently.

## **7. Sustainability Impact Appraisal**

It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out.

## **8. Risk Management**

No issues.

## 9. Community Safety

No issues.

## 10. Links to the 3 Key Priorities for the Borough

The council's administration has three key priorities for Ealing. They are:

- Good, genuinely affordable homes
- Opportunities and living incomes
- A healthy and great place

## 11. Equalities, Human Rights and Community Cohesion

No issues.

## 12. Staffing/Workforce and Accommodation implications:

The changes have no officer staffing implications. However, they will make it easier for cabinet portfolio holders to fulfil their responsibilities.

## 13. Property and Assets

No implications.

## 14. Consultation

Any changes to the constitution must be advertised in advance and account taken of responses received.

## 15. Timetable for Implementation

The proposed changes will come into effect immediately following this meeting.

## 16. Appendix

Appendix one: details of the constitution changes proposed

Appendix two: Responsibilities of cabinet portfolio holders

Appendix three: proposed change to the Scheme of Allowances

## 17. Background Information

[Ealing Council constitution](#)

### Consultation

	Consultee	Date sent	Date response received	Paragraph in which comments appear

<b>Internal</b>				
	Chief Finance Officer			
<b>External</b>	All change proposals have been advertised on the council's internet site prior to consideration by full council			

### Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No
Report no.:	Report author and contact for queries: Helen Harris

### APPENDIX ONE

#### Changes proposed to the constitution

	<b>Constitution reference</b>	<b>Existing wording</b>	<b>Proposed wording</b>
1	Part 1 ( <a href="#">Summary and explanation</a> ), "How decisions are made"	"The cabinet is made up of the Leader and seven other councillors appointed by the Council"	"The cabinet is made up of the Leader and nine other councillors appointed by the Council"
2	<a href="#">Part 2 (articles of the constitution)</a> , amend article 7.07	Portfolios are established by the Council with the allocation of portfolios to members of the cabinet being made by the Leader and notified to the annual meeting of the Council. In the case of casual changes, the Leader will give written notice to the proper officer which will take effect two working days after receipt of the notice by the proper officer. The current portfolios are:	Portfolios are established by the Council with the allocation of portfolios to members of the cabinet being made by the Leader and notified to the annual meeting of the Council. In the case of casual changes, the Leader will give written notice to the proper officer which will take effect two working days after receipt of the notice by the proper officer. The current portfolios are: <ul style="list-style-type: none"> <li>• <b>Leader of the Council</b> (Policy &amp; performance, reform &amp; transformation, media &amp; comms, community engagement)</li> <li>• <b>Inclusive Economy</b> (Finance, Procurement, Human</li> </ul>

		<ul style="list-style-type: none"> <li>• Leader of the Council, Regeneration and Transport portfolio</li> <li>• Deputy Leader, Schools and Children's Services</li> <li>• Health and Adults' Services</li> <li>• Environment and Climate Action</li> <li>• Finance and Leisure</li> <li>• Housing, Planning and Transformation</li> <li>• Community Safety and Inclusion</li> <li>• Business and Community Services</li> </ul>	<p>Resources, Community Wealth Building*, social impact)</p> <ul style="list-style-type: none"> <li>• <b>Genuinely Affordable Homes</b> (New Homes, Temporary Accommodation, Housing Demand, Homelessness, Estate Renewal &amp; Housing Management)</li> <li>• <b>Good Growth</b> (Planning, Major Projects, Council Property, Regeneration Strategy, PRS)</li> <li>• <b>Decent Living Incomes</b> (Community wealth building*, Licensing, Economic Regeneration, Skills, Employment, Welfare Reform, Business Support, Further &amp; Higher Education)</li> <li>• <b>Climate Action</b> (Active Travel, Climate Crisis, Highways, Recycling &amp; Waste Reduction, Parks &amp; Green space, Renewable Energy)</li> <li>• <b>Thriving Communities</b> (Neighbourhood governance, volunteering, faith and community groups, libraries, sports, leisure &amp; community centres, community cohesion, cemeteries &amp; crematoria)</li> <li>• <b>A Fairer Start</b> (Children's social care, Schools' performance, child poverty, SEN)</li> <li>• <b>Tackling Inequality</b> (Public Health*, Youth offending, Violence against women and girls, youth service, policing, antisocial behaviour)</li> <li>• <b>Healthy Lives</b> (Public Health* Older People, Adult Social Care, Mental Health, COVID-19, NHS)</li> </ul>
3	<a href="#">Part 3 (Responsibility for functions)</a> Section 3A (Responsibilities of	As set out in the constitution.	Replace with the table set out in Appendix 2 below.

	cabinet portfolio holders)		
4	<a href="#">Part 3 (Responsibility for functions)</a> Section 3A (Responsibilities of cabinet portfolio holders) Functions delegated to all cabinet members, within their respective portfolios	Reference to :”Leader of the Council, Regeneration and Transport”  Reference to “Housing, Planning, and Transformation”	Replace with “Leader”  Replace with “Genuinely Affordable Homes”

## **APPENDIX TWO**

### **Responsibilities of cabinet portfolio holders (section 3A of Part 3 of the constitution)**

<b>Portfolio</b>	
<b>Leader</b> (Policy & performance, reform & transformation, media & comms, community engagement)	<ul style="list-style-type: none"> <li>• Manifesto delivery</li> <li>• Policy overview</li> <li>• Major projects oversight (with Good Growth portfolio)</li> <li>• Performance management</li> <li>• Reform and transformation</li> <li>• Community engagement</li> <li>• Neighbourhood governance</li> <li>• Civil protection</li> <li>• Member development</li> <li>• Elections</li> <li>• Local Area Agreement</li> <li>• Marketing and communications</li> <li>• Councillor’s allowances</li> <li>• All executive functions not allocated to any other portfolio</li> </ul>
<b>Inclusive Economy</b> (Finance, Procurement, Human Resources, Community Wealth Building*, social impact)	<ul style="list-style-type: none"> <li>• Budget and finance</li> <li>• Community wealth building</li> <li>• Social value &amp; impact</li> <li>• Digital borough</li> <li>• Digital council</li> <li>• Capital resources</li> <li>• Income</li> <li>• Investment and external funding</li> <li>• Central government grants</li> <li>• Risk management</li> <li>• ICT and facilities</li> <li>• Strategic procurement</li> <li>• Human resources, internal training and skills</li> </ul>

	<ul style="list-style-type: none"> <li>• Employee relations</li> <li>• Legal services</li> <li>• Customer services and complaints</li> <li>• Registrars</li> </ul>
<p><b>Genuinely Affordable Homes</b> (New Homes, Temporary Accommodation, Housing Demand, Homelessness, Estate Renewal &amp; Housing Management)</p>	<ul style="list-style-type: none"> <li>• Housing strategy and policy</li> <li>• Property and estates</li> <li>• Housing allocations</li> <li>• Temporary accommodation</li> <li>• Housing advice</li> <li>• Homelessness</li> <li>• Housing management</li> <li>• Housing hubs</li> <li>• Tenancy management</li> <li>• Rents</li> <li>• Estate renewal</li> <li>• Broadway Living</li> <li>• Leaseholder services</li> </ul>
<p><b>Good Growth</b> (Planning, Major Projects, Council Property, Regeneration Strategy, PRS)</p>	<ul style="list-style-type: none"> <li>• Major projects oversight (with Leader)</li> <li>• Regeneration strategy</li> <li>• Land charges</li> <li>• Private housing sector supply and leasing</li> <li>• Private Rental Sector Licencing</li> <li>• Council property and assets</li> <li>• Local Plan and planning policy</li> <li>• Building and development control</li> </ul>
<p><b>Decent Living Incomes</b> (*Community wealth building, Licensing, Economic Regeneration, Skills, Employment, Welfare Reform, Business Support, Further &amp; Higher Education)</p>	<ul style="list-style-type: none"> <li>• COVID19 recovery</li> <li>• Economic development</li> <li>• Community wealth building (with Inclusive Economy portfolio)</li> <li>• Community development</li> <li>• Post 16 education</li> <li>• Adult education</li> <li>• Benefits</li> <li>• Apprenticeships</li> <li>• Skills</li> <li>• Employment</li> <li>• Welfare reform</li> <li>• Business support</li> <li>• Financial inclusion</li> <li>• Pre-employment programmes</li> <li>• Economic resilience</li> <li>• Economic regeneration</li> <li>• Job clubs and brokerage</li> <li>• Further Education &amp; Higher Education</li> </ul>

	<ul style="list-style-type: none"> <li>• Regulatory services (environmental health, trading standards, licensing and community health and safety)</li> </ul>
<p><b>Climate Action</b> (Active Travel, Climate Crisis, Highways, Recycling &amp; Waste Reduction, Parks &amp; Green space, Renewable Energy)</p>	<ul style="list-style-type: none"> <li>• Climate action and sustainability</li> <li>• Air quality</li> <li>• Strategic Transport strategy &amp; policy</li> <li>• TfL relations &amp; LIP funding</li> <li>• Active Travel (with Healthy Lives portfolio)</li> <li>• Recycling, refuse, plastics, waste disposal and reduction</li> <li>• Street cleansing</li> <li>• Street lighting</li> <li>• Environmental enforcement</li> <li>• Waterways, canal paths and bridleways</li> <li>• Road safety</li> <li>• Traffic and congestion</li> <li>• Parking, enforcement and CPZs</li> <li>• Highways and footways</li> <li>• Renewable energy</li> <li>• Gunnersbury Park</li> <li>• Trees, parks and countryside</li> </ul>
<p><b>Thriving Communities</b> (Neighbourhood governance, volunteering, faith and community groups, libraries, sports, leisure &amp; community centres, community cohesion, cemeteries &amp; crematoria)</p>	<ul style="list-style-type: none"> <li>• Faith and community groups</li> <li>• Community cohesion</li> <li>• Sports and leisure centres (with Healthy Lives portfolio)</li> <li>• Sports development (with Healthy Lives portfolio)</li> <li>• Halls and community centres</li> <li>• Volunteering and community sector (including VCS grants)</li> <li>• Libraries</li> <li>• Cemeteries and crematoria</li> <li>• Public toilets</li> <li>• Pitzhanger Manor</li> <li>• Culture, heritage and arts</li> <li>• Tourism</li> <li>• Ealing Festivals</li> </ul>
<p><b>A Fairer Start</b> (Children’s social care, Schools performance, child poverty, SEN)</p>	<ul style="list-style-type: none"> <li>• Children’s social care</li> <li>• Child poverty</li> <li>• Fostering and adoption</li> <li>• Child protection</li> <li>• Children’s homes</li> <li>• Home/school transport</li> <li>• Looked after children</li> <li>• Nursery education and child care</li> <li>• Play service</li> <li>• Primary and secondary education</li> <li>• School library service</li> <li>• Special Educational Needs</li> </ul>

	<ul style="list-style-type: none"> <li>• Ealing Learning Partnership</li> </ul>
<p><b>Tackling Inequality</b> (Public Health*, Youth offending, Violence against women and girls, youth service, policing, antisocial behaviour)</p>	<ul style="list-style-type: none"> <li>• Public Health – Wider determinants of health &amp; Health Improvement (with Healthy Lives portfolio)</li> <li>• Youth service</li> <li>• Youth offending</li> <li>• Community safety (including ASB, drugs action and crime prevention)</li> <li>• Police liaison</li> <li>• CCTV</li> <li>• Disabilities</li> <li>• Violence against women and girls</li> <li>• Equality and diversity</li> <li>• Refugees and asylum seekers</li> <li>• Gypsy, Roma and Traveller community liaison</li> </ul>
<p><b>Healthy Lives</b> (Public Health* Older People, Adult Social Care, Mental Health, COVID-19, NHS)</p>	<ul style="list-style-type: none"> <li>• Public Health – Health protection &amp; premature mortality (with Tackling Inequality portfolio)</li> <li>• Covid-19</li> <li>• Active Travel (with Climate Action portfolio)</li> <li>• Sports and leisure centres (with Thriving Communities portfolio)</li> <li>• Sports development (with Thriving Communities portfolio)</li> <li>• NHS relations</li> <li>• Adult social care</li> <li>• Assessment and care services for older people and adults with needs arising from disabilities and mental health</li> <li>• Accommodation and day activities</li> <li>• Promoting independence</li> <li>• Safeguarding adults</li> <li>• Mental health</li> <li>• Supporting people</li> <li>• Disability facilities grants, handyperson scheme and other grants</li> <li>• Sheltered housing</li> </ul>

### **APPENDIX THREE**

#### **Changes proposed to the Members' Allowances Scheme ([part 6 of the constitution](#))**

Amend Appendix A of the Members' Allowances Scheme, as shown highlighted green below:

## **Appendix A**

<b>Responsibility</b>	<b>Band</b>	<b>£</b>
Leader of the Council	4	32,100
Deputy Leader of the Council	3A	21,384
Cabinet Members <b>x-6</b>	3	16,032
Chief Whip	3	16,032
Deputy Chief Whip	1A	4,176
Deputy Whip (Education)	1	2,112
Mayor	3	16,032
Deputy Mayor	1A	4,176
Chair of Planning Committee	3	16,032
Chair of Licensing Committee	2C	8,016
Chair of General Purposes Committee	1A	4,176
Chair of Audit Committee	2	6,288
Vice-chair of Planning Committee	2	6,288
<b>Vice chair of Equalities Commission</b>	<b>2</b>	<b>6,288</b>
Vice-chair of Licensing Committee	1A	4,176
Vice-chair of General Purposes Committee	1	2,112
Chair of Overview & Scrutiny	3	16,032
Vice Chair OSC (and opposition SRP Chair)	2A	8,328
Scrutiny Standing Panels Chair (x 1)	2A	8,328
Scrutiny Review Panel Chair (x 3)	2	6,288
Vice Chair Standing Panel	1A	4,176
Vice Chair Scrutiny RP x4 (2x Opposition, 1x 2nd Opposition, 1x Majority Group)	1	2,112
Pensions Chair (or Vice Chair where Chair not eligible)	2	6,288
Chair SACRE (or Vice Chair where Chair not eligible)	1A	4,176
Chair Boundaries (or Vice Chair where Chair not eligible)	1A	4,176
Leader of the Opposition	3	16,032
Deputy Leader of Opposition	2A	8,328
Opposition Chief Whip	1A	4,176
Leader of 2nd Opposition Party	2	6,288
Deputy Leader of 2nd Opposition Party	1A	4,176

<b>Contains Confidential or Exempt Information</b>	No
<b>Title</b>	Committee Meetings after 7 May 2021 – Options Paper
<b>Responsible Officer(s)</b>	Helen Harris, Director of Legal and Democratic Services
<b>Author(s)</b>	Sam Bailey, Head of Democratic Services and Helen Harris, Director of Legal and Democratic Services
<b>Portfolio(s)</b>	Leader of the Council – Cllr Julian Bell
<b>For Consideration By</b>	Council
<b>Date to be Considered</b>	18 <sup>th</sup> May 2021

**Purpose of Report:**

This report sets out recommendations for council and committee meetings going forward, following the end of many of the rules permitting virtual meetings.

**1. Recommendations**

That Council:

- 1.1 Notes the legal position on virtual meetings
- 1.2 Agrees the principles for decision making, set out at paragraph 2.3 below
- 1.3 Agrees that, so far as practicable, in-person attendance at meetings should be kept to a minimum
- 1.4 Agrees that, where the law permits it, meetings should continue to take place in virtual-only format
- 1.5 Notes that the Director of Legal and Democratic Services will put in place arrangements for all public meetings of council, cabinet, committees or panels to be live streamed
- 1.6 Agrees that, where permitted by law, third party and officer attendees at public meetings should be permitted to attend virtually
- 1.7 Notes that the Director of Legal and Democratic Services will keep the position under review and report back as appropriate

**2. Reason for Decision and Options Considered**

- 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, which allow the Council to hold virtual meetings, expired on

7<sup>th</sup> May 2021.

- 2.2 Legal action by the Association of Democratic Services Officers and Lawyers in Local Government, for a declaratory judgement that virtual meetings are lawful under existing legislation, was unsuccessful, despite support from the Secretary of State. The judgement can be found at [this link](#). This confirms that virtual meetings are, in the main, no longer lawful without legislative change. However, there remains some scope for interpretation of the law with regard to attendance by the public.
- 2.3 The following principles are recommended, to guide Ealing Council's decision making processes:
- a. *Democracy*: all decisions must be taken in accordance with democratic principles
  - b. *Transparency*: decision making must be transparent, which in turn allows for full accountability and scrutiny
  - c. *Safety*: all participants in our local democratic decision making and processes must be and feel safe
  - d. *Flexibility*: the processes we put in place must be capable of adjusting to circumstances, including changes in COVID-related restrictions
  - e. *Agile*: any arrangements that we put in place must be kept under constant review
- 2.4 The following options have been ruled out, as they are considered not to be fully in accordance with the above principles:
- a. Making greater use of delegations to officers to reduce the number of public meetings required, and
  - b. Continuing with a full programme of in-person meetings, with the entire committee membership expected to attend all meetings.
- 2.5 The option remains to increase the level of delegation to individual cabinet portfolio holders. However, this is not recommended as it would be unlikely to result in a significant reduction in in person meetings, given that some level of regular cabinet decision making would still be required. Delegation of decisions to a single councillor of "council side decisions" (ie. decisions of bodies such as full council, Planning Committee, Audit Committee or Licensing Committee) is not legally permitted.
- 2.6 Therefore, the preferred option is for the Council to return to an in-person format for those meetings where virtual meetings are no longer permitted and where decisions for action are taken. However, it is recommended that the council continues to hold meetings in virtual format where those meetings are

scheduled to take only decisions that do not require actions to be taken as a result – such as scrutiny panels.

- 2.7 All in-person meetings will be organised in a COVID-secure way, necessitating the use of larger and well-ventilated rooms. Routine webcasting of public meetings will minimise the numbers of people needing to attend, beyond members of the committee in question and of some officers in support. Regular self-testing (ie. COVID rapid antigen) by in-person meeting participants will be strongly encouraged.
- 2.8 The Institute of Licensing has obtained the [opinion of Philip Kolvin QC](#) that it will be lawful to continue to hold licensing hearings virtually, by reason that they are held under the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. The requirement for licensing hearings is that:
- a. proper notice is given, with all papers served timeously on the authority and published online;
  - b. the actual parties to the hearing are able to participate; and
  - c. any member of the public can see or hear, albeit not participate in, the hearing

The council could therefore take the decision to continue to hold its licensing hearings remotely, with the reassurance that the risks of challenge would be low.

- 2.9 It should also be possible to continue to hold Fostering Panel meetings in virtual format, as these are held under the provisions of different legislation to other council meetings.

### **Options for in-person meetings**

- 2.10 It is not recommended that **full attendance** at in-person meetings is resumed immediately following 7<sup>th</sup> May. This is because:
- It will be impossible to eliminate the risk of catching COVID, which will be of particular concern to those in higher risk groups and those who have not yet been vaccinated
  - The availability of suitable rooms, and
  - The challenges of fitting each meeting space with suitable measures, such as open windows, Perspex screens, socially distanced seats, the enforcement of mask wearing, and other precautions. These are unlikely to result in an easy or engaging meeting experience.
- 2.11 Holding meetings with the **reduced but quorate attendance** will necessitate significant engagement by the party whips, so as to ensure that political balance is achieved as well as a comfortable meeting experience and the opportunity for all committee members to participate regularly, without some members being asked to take on more or less in person committee work than others. However, this approach will better ensure that members and staff are safe.

- 2.12 It is important that the council's approach is kept under review, in particular following 21<sup>st</sup> June, when all remaining COVID restrictions are due to be removed. It is likely however that there will be a need for caution on an ongoing basis, so any review of the meetings arrangements will need to take into account Ealing's own policies and procedures.

### **Agenda management**

- 2.13 Key officers and meeting chairs will work together, to ensure that, where possible, all in-person meetings are as short as possible. This might involve removing some information-only items from meeting agendas and by tighter control of debate.

### **Webcasting**

- 2.14 It is proposed to webcast all in person meetings in any event. This will reduce the need for anyone other than committee members and key officers to attend. The council will continue to invest in the equipment necessary to achieve this.

### **Hybrid and "soft hybrid" meetings**

- 2.15 Full 'hybrid' meetings, where some members are logged in from home and considered 'present' in the Committee room, will be a good option for the council, as and when the law changes to allow virtual meetings.
- 2.16 If and when hybrid meetings become lawful, it would be sensible for officers to work with meeting chairs, to ensure that wherever possible it is clear in advance whether any members plan to attend in person. This will avoid abortive work setting up the "in-person" side of a hybrid meeting, if in fact all members plan to attend virtually.
- 2.17 Officers are also exploring the practicalities and legality of a 'soft' hybrid option, would require members of the actual committee / cabinet / panel in question to attend in person but which would allow public and third-party speakers and officers to contribute to meetings remotely.
- 2.18 The council does not currently have the technical equipment to deliver hybrid meetings to an acceptable standard. However, officers are actively working on solutions to make hybrid meetings possible, noting that the position is further complicated by the fact that both Ealing Town Hall and Perceval House are due to close for refurbishment or demolition respectively.

## **3. Key Implications**

The council's approach will continue to evolve, as COVID risks and restrictions ease, the law changes, and new equipment is brought online. It is also anticipated that changes will be made in the light of experience with various formats.

## **4. Financial**

There is a small budget to pay for Committee meetings. It is unclear, until options are fully scoped, whether this budget will be sufficient to pay for in person meetings if hire costs are higher and if there are greater demands for security and stewarding at meetings to ensure social distancing.

### **Financial background**

There will be a small cost to setting up a rudimentary webcasting solution, which would involve purchasing a HD camera and suitable tripod to broadcast the meeting. This can be met by existing Democratic Services budgets.

Hybrid meetings, if and when they become lawful, will require investment in a significant upgrade of the council's system. At the present time Democratic Services do not have a capital budget to fund this work.

## **5. Legal**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 give the Council the power to hold virtual meetings. These regulations expired on 7 May 2021, as they were made under the Coronavirus Act 2020.

Following 7 May, the Council must adhere again to the various requirements and statute including (but not limited to) the Local Government Act 1972, Local Government and Finance Act 1989, Local Government Act 2000 and Localism Act 2011.

The option of holding licensing hearings in virtual format has not been tested in court. However, the legal opinion obtained by the Institute of Licensing indicates that the risk of successful challenge is low.

The Council will also have to follow COVID secure guidelines and health and safety legislation, noting that these will change over time.

## **6. Value For Money**

Value for money will be achieved by the Council being able to continue to take essential decisions in a timely manner. It is not good value for money to unnecessarily delay decisions to slow projects down.

## **7. Sustainability Impact Appraisal**

A sustainability impact appraisal is not required as this is a return to arrangements prior to COVID restrictions.

## **8. Risk Management**

Risks are outlined in the body of the report. It will be important for all in-person meeting spaces to be fully risk assessed in advance of meetings taking place in them.

## **9. Community Safety**

Measures will be put in place to minimise the risk of COVID transmission at in person meetings.

## **10. Links to the 3 Key Priorities for the Borough**

Decision making continuing past 7 May will allow the Council to achieve the three priorities for the Borough which are:

- Good, genuinely affordable homes
- Opportunities and living incomes
- A healthy and great place

## **11. Equalities, Human Rights and Community Cohesion**

A return to in person meetings may be a source of anxiety for a range of groups, such as those who are clinically extremely vulnerable. Arrangements will aim to take these concerns into account and where possible put in place measures to minimise risk.

## **12. Staffing/Workforce and Accommodation implications:**

Not all staff working on Committee meetings, including DSO, support staff and officers presenting at meetings, will have been offered or accepted a vaccination. Those that were defined as clinically extremely vulnerable who have had a vaccination may be reluctant to meet in person again. This will need to be managed with care, compassion and pragmatism until the point where everyone has been offered a vaccination and has completed their course of vaccinations. This is unlikely to be until autumn 2021.

## **13. Property and Assets**

No property is being proposed to be retained or disposed of in this report. However Council properties are being considered as locations for in person Council meetings.

## **15. Consultation**

Consultation has taken place internally.

## **16. Timetable for Implementation**

This will be driven by the easing of COVID restrictions and any changes to the law on meetings.

## 17. Background Information

- a. 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 allows the Council to hold virtual meetings, and which will expire on 7<sup>th</sup> May 2021.
- b. [On 25 March 2021, the Minister of State for Regional Growth and Local Government wrote](#) to all Council leaders stating that the regulations would not be extended or made permanent due to insufficient time in the government's legislative programme, as it would require primary legislation.

*'Local authorities have legal obligations to ensure that members of the public have access to most of their meetings. For physical meetings, the government would actively encourage local authorities to continue to provide remote access until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements for public access.'*

- c. [High Court decision](#) on the legality of virtual meetings.

