

## **NON EXEMPT (Appendices 3a & 4 Exempt)**

### **HAVANT BOROUGH COUNCIL**

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**Cabinet**

**3 June 2020**

**FOR DECISION**

**Commencement of Remote Meetings**

**Cabinet Lead: Leader**

**Head of Service: David Brown Head of Legal**

**Key Decision: no**

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#### **1 Purpose of Report**

- 1.1 This report is submitted to Cabinet to agree the commencement of wider digital meetings including non-executive functions commencing with Planning and Licensing. The digital meeting scheme will then be extended to other committees such as Scrutiny.

#### **2 Recommendation**

- 2.1 Note the use of Skype for Broadcast for public committee meetings.
- 2.2 Agree the commencement of remote meetings for HBC.

#### **3 Executive Summary**

- 3.1 The current pandemic has made it a criminal offence under the Coronavirus legislation and the public health regulations to have gatherings of more than two persons. Restrictions on travel also mean a reasonable excuse is needed to travel to the council offices. In general those restrictions are limited to work volunteering or exercise (Councillors are not (generally) considered employees or volunteers).
- 3.2 This means that councils are currently unable to hold meetings where Councillors are present for the purposes of making decisions.
- 3.3 Emergency regulations were enacted that allows remote meetings. These regulations are broad and permissive and set out a minimum requirement and further desirable requirements.
- 3.4 The minimum requirements is to hear and to be heard for participants and to hear for the public. At the most basic level a conference telephone call would meet the minimum criteria. It is also desirable for the participants to be able to see and be seen and for the public to see participants. The public are often permitted rights to make a deputation and this is catered for in written deputations. The approach to functionality is set out in Appendix 1.
- 3.5 At the point of national lockdown, the council had no established web cast functions, no standard equipment issued to councillors (although all councillors receive an IT equipment allowance to provision themselves with appropriate hardware) nor a paperless approach to committee agendas and papers.

- 3.6 The design and implementation has been from this starting position. The use of existing technology and software means the recommendations are based on our current capabilities. The recommendation is Skype for Business with the public Broadcast option. The appraisal for this is set out in the link below <https://web.microsoftstream.com/video/a285373f-cb95-4d3b-827f-825b70f42eaf>
- 3.7 The guidance from the government is to utilise existing software whenever possible. This system meets the minimum requirements and in testing the limitations appeared to relate to user familiarity and individual hardware devices. Significant amounts of training are being offered to alleviate these obstacles. <https://www.ncsc.gov.uk/guidance/video-conferencing-services-security-guidance-organisations>
- 3.8 The first phase of the project has achieved the ability to hold remote meetings on a hear and be heard basis. We are now moving towards allowing participants to see and be seen and alternative methods of public contribution in addition to written deputations.
- 3.9 Whilst our preferred software may be able to provide these functions, this is a new experience for all participants. Council officers continue to explore and develop their understanding of the systems functionality to improve the processes, user and public experience.
- 3.10 An equality consideration of this in respect of the public being able to reliably participate in meetings is the differing technical abilities of those who may wish to contribute, coupled to their individual IT and internet provision.
- 3.11 Cabinet should note that the need for wider support from a multidisciplinary team of officers not usually involved in supporting committees, including our strategic partner Capita, combined with the essential imperative to ensure our residents are supported will result some restrictions on the time slots available for evening meetings.

#### **4 Background and relationship to the Corporate Strategy and Directorate Business Plan/s**

- 4.1 Although this approach has been driven by external factors this aligns with the new digital first approach. The adoption of remote meetings will require members to consider the longer term need for paper and travel. This would support both the digital and green themes of the corporate plan.

#### **5 Budgetary Implications**

- 5.1 None for the recommended approach

#### **6 Financial Implications**

- 6.1 There are only minor within budget implications arising from adopting this proposal as it uses existing equipment and software.

#### **7 Human Resources Implications**

- 7.1 There are no significant HR implications arising from this proposal, although additional out of hours officer support may be required.

## **8 Legal Implications**

- 8.1 The Council has a prima facie lawful method for conducting business which meets the minimum legislative requirements, it has the potential to exceed those requirements. If the council chooses not to conduct business, then persons who suffer loss, such as planning, or licencing may seek a legal challenge to recover any loss. Equally this is a new way of working and careful attention will be required to ensure the remote meetings are still conducted with the correct degree of formality.

## **9 Risks**

- 9.1 The risks may be summarised as:

(i) Failure to progress meetings that impact on economic and business functions of the Council resulting in potential challenges and financial costs.

(ii) Reputational if the Council is perceived as being unable to adapt or be flexible.

## **10 Options considered and reasons for the recommendation**

- 10.1 **Do Nothing** – if no meetings are held then the economic and business activity of the area is adversely impacted. Equally the Council may suffer adverse comment through inactivity and later criticism and financial costs.
- 10.2 **Commence meetings-** remote meetings do not have the same level of physical engagement and some councillors and public may feel it is less than the ideal. However, the ideal of a physical meeting with the public in attendance is not a current option. The Council has a system that allows a remote meetings to occur in accordance with the legislation.
- 10.3 **Procure a new system-** If an alternative software version is desired it will incur cost and lead in time.

## **11 Consultation**

- 11.1 Briefing and training has taken place with Councillors involved in the planning committee and two Cabinet briefing sessions, briefing notes have been prepared.
- 11.2 An Equality Impact Assessment has been undertaken and it should be noted that whilst not all can follow proceedings online, there is a positive benefit for many individuals in negating the need to travel to the council offices to witness local decision-making taking place.

## **12 Communication**

- 12.1 It is recognised that there may be considerable public interest in the issues discussed at any committee and agenda will continue to be published digitally.

### **Appendices:**

- Appendix 1: Functionality
- Appendix 2: Equality Impact Assessment
- Appendix 3: Reference sites also using SfB Broadcast to enable public meetings
- Appendix 3a: Confidential feedback from other councils - EXEMPT
- Appendix 4: Legal Advice- EXEMPT

Agreed and signed off by:

Monitoring Officer: 22 May 2020

S151 Officer: 26 May 2020

Portfolio Holder: 20 May 2020

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## Appendix 1

### Requested software to facilitate below fundamental/statutory requirements:

Requirement	Can SfB Meet Requirement?
<p>Remote access for up to 50 participants (Full Council meeting), accessing remotely via their personal computers/tablets/phones.</p>	<p>Yes – up to 250 per meeting</p> <p>All council staff/councillors have SfB login as part of existing Office365 subscription.</p> <p>Those who cannot download the full desktop version are able to join through the web-app/mobile apps.</p> <p>Functional on multiple devices and operating systems – though laptop or desktop access is preferred as it will provide the most access to software features.</p>
<p>The ability for members of the public to view a live stream, but not be able to participate. Ability for the general public to be able to hear proceedings via a web link without having to download or sign up to software. This needs to be live, not recorded and published after the meeting.</p>	<p>Can create a publicly broadcasted meeting which the public can stream through a URL. Up to 10,000 can view during the meeting.</p> <p>This meeting can also be recorded and uploaded afterwards.</p>
<p>Ability for all officers and members invited to the meeting to be able to hear and be heard.</p>	<p>Officers can join through the link sent with the meeting invite which will direct them either to the full desktop version of SfB or to the web-app.</p> <p>Officers/councillors with the appropriate equipment will be able to hear and be heard, mostly there have had no or few issues with sound. So far, we have found that the majority of those who have experienced issues with this have been resolvable with some 1-2-1 guidance focussing on their individual IT set-up.</p>
<p>Ideally ability for all officers and members invited to the meeting to be seen through webcams, <u>though this is not a statutory requirement.</u></p>	<p>Webcams, where people have them, can be used internally for councillor/officer view though this may affect bandwidth at individual properties.</p>

	<p>It is possible to manually change the broadcast webcam view if required – though as with all solutions this will require an officer to facilitate and needs further testing/training.</p> <p>Audio only as a minimum is recommended for initial meetings.</p>
<p>Ideally a way for members of the public to be able to participate for a short period in order to make a deputation. This element could be negated by written submissions being published online in advance of the meeting.</p>	<p>Able to take written deputations for planning.</p> <p>For phase 2 we may be able to join the public to the meeting through the web-app though this relies on the public having the required equipment – could cause an equality issue</p>
<p>Secure for the councils</p>	<p>Skype for Business is secure for the councils</p>

## Appendix 2

### Digitalisation of Licensing and Planning Committees Equality Report May 2020

#### Executive Summary

Using the best available data and research both nationally and locally the following impacts have been identified.

Positive impacts from this report have been identified for all groups who are digitally active, those with mobility impairments and those needing to self-isolate.

Potential negative impacts identified from this report:

- Age. Whilst the gap is narrowing for older age groups using the internet, nationally there is still a disproportionate amount of older people (over 75) who have either never used, or are, “lapsed users” of the internet.
- Sex. Since 2011, nationally men have used the internet more than women. Whilst this gap has narrowed there is still a substantial difference in recent internet users in the over 75year age group (54% of men compared to 41% of women).
- Disability. There are still fewer disabled adults nationally, who are recent internet users compared with adults with no disability (78% with a disability and 95% for non-disabled people). In the over 75year age group 41% of people with a disability were recent internet users compared with 54% of those with no disability. At a local level, the internal survey respondents showed concerns for those with sight, speech, hearing and or learning disabilities.
- Race. National figures show that ethnic minority groups are the largest groups using the internet recently. White ethnic groups were the lowest recent users. At a local level, internal survey respondents did not suggest any disproportionate impacts regarding race, however anecdotal evidence (certainly for Licensing) could show a negative impact on those whose first language is not English (for example, ethnic food outlets, taxi drivers).
- Other groups not covered under the Equality Act but whom also should be considered: People with low IT skills, people with no access to the internet.

It is recognised that virtual meetings must happen. To help mitigate the findings from this report, there are 14 recommendations at the end of this document for the Project Board to consider. The Project Board should clearly explain why, if, any, recommendations are not taken forward. The Project Board should identify and allocate actions to relevant Officers, ensuring the author of this report is included.

#### Main Report – Introduction

The Councils need to continue with their democratic decision-making processes. Due to Covid19 and the current Lockdown, alternative ways of working need to be explored. One option is to consider virtual or remote meetings as the Government has introduced new legislation to allow so.

This report considers the potential equality impact on residents, Councillors and Officers. The Councils are committed to public service excellence and the wellbeing of staff and Councillors.

Section 149 of the Equality Act 2010 places a statutory duty on public bodies to pay due regard to protected groups, when making decisions. The three aims of the Public Sector Equality Duty are to:

1. Eliminate discrimination
2. Promote equality of opportunity
3. Foster good relations between protected groups.

Licensing and Planning Committees are being considered for digitalisation in the first instance. This is an initial report and is not the end. The impact of digitalisation will need to be continually monitored as outlined in the recommendations at the end.

### **Methodology**

This report draws on the best available research and data, both nationally and locally.

A survey was prepared and distributed to Councillors and Officers working in or with, Licensing and Planning. Due to time constraints it was not possible to involve the public. However, feedback during any potential roll out will be sought.

Councillors and Officers were asked to answer the survey regarding the impact on themselves and on behalf of the public, as they understand their customer's needs the most.

Out of the nine protected groups in the Equality Act, we identified five that needed further exploration. These were:

- Age groups
- Different disabilities
- Pregnancy/maternity
- Race
- Sex

### **National Research and Data**

Source: The Office for National Statistics (ONS) latest release of Internet Users Bulletin (August 2019):

#### **Age**

The age gap is narrowing nationally in recent internet users. In 2019 within the UK, 91% of all adults had recently used the internet, with almost all adults aged 16 to 44 years (99%) being recent internet users. While there has been little change for adults aged 16 and 44 years in recent years, there has continued to be growth in internet use among older adults.

Since the survey began in 2011, adults aged 75 years and over have consistently been the lowest users of the internet. In 2011, of all adults aged 75 years and over, 20% were recent internet users, rising to 47% in 2019. However, recent internet use in 65 to 74 years age group increased from 52% in 2011 to 83% in 2019, closing the gap on younger age groups.

Since 2011, the percentage of adults aged 65 and over who had never used the internet has declined by 29 percentage point to 29%. This compares with a decline of 6 percentage points in adults aged 16 to 64 years by 2%.

Recent internet use by retired adults increased by 27 percentage points since 2011, to 67% in 2019, reflecting the increase in internet use in the older age groups. Recent Internet use by adults who were economically inactive increased by 19 percentage points over this period to 89%.

However, while the gap is closing, there was still a large difference between the generations. Of the 4 million adults who had never used the internet in 2019, more than half (2.5 million) were aged 75 years and over.

The proportion of adults who were lapsed internet users rose from 3.9% in 2011, to 7.3% in 2017, before falling to 6.1% in 2019. While there has been an increase in recent internet use in adults aged 75 years and over, they remain the age group with the highest proportion of lapsed internet users.

### **Sex and Age**

The ONS states that nationally, there is still a difference in internet use between men and women in older age groups.

The proportion of men who had recently used the internet in 2019 was higher than women, at 92% and 90% respectively. In 2011, the proportion of men who recently used the internet was 82%, compared with 77% of women.

The source of the difference in 2019 of recent internet use between men and women was in the oldest age groups. Of those adults aged 65-74 years, 84% of men and 82% of women were recent internet users. Furthermore, 54% of men aged 75 years and over were recent internet users, compared with 41% of women in this age group.

Women aged 65-74 years showed the highest percentage point increase in recent internet use when compared with other age groups, rising from 47% in 2011 to 82% in 2019.

Overall, there was still a higher proportion of women who had never used the internet at 8.7%, compared with men at 6.3%.

### **Disability and Age**

The ONS states that nationally, in 2019, the proportion of recent internet users was lower for adults who were disabled (78%) compared with those who were not disabled (95%).

The difference between internet use in disabled and non-disabled adults was greater in the older age groups.

For adults aged 75 years and over, 41% of disabled adults and 54% of non-disabled adults were recent internet users. In comparison, there was little difference in recent internet use for disabled and non-disabled adults in the 16-24 age group; 98% of disabled adults and 99% of non-disabled adults in this age group were recent internet users.

Since 2014, the number of disabled adults who had recently used the internet increased by 13 percentage points to just over 10 million in 2019. Of the 0.8 million adults who had last used the internet over three months ago, 0.4 million were disabled.

### **Race**

Source: ONS Internet Usage by Ethnicity. The ONS states that in 2019, nationally, the Indian and White ethnic groups had the lowest percentages of recent internet users (at 90.4% and 90.5%) and the Chinese ethnic group had the highest (98.6%).

In the South East people who had used the internet in the last three months 97.4% for Asian groups, 99.2% for Black groups and 92.4% for White groups.

### **Regional Variation**

The ONS states that in 2019, London and the South East were tied for the region with the highest proportion of recent internet users (93%).

### **Local Research and Data**

Both Councils prepared and conducted an online survey. The survey was distributed to Officers and Councillors within, or who worked with, both the Licensing and Planning Teams.

Whilst respondent numbers were low it is felt that it is important to summarise the general outcomes.

Respondents felt that for almost all the protected groups amongst the public, Councillors and Officers the equality impact of digitalising of meetings would be wholly positive. The only exception was for participants of Committee meetings who have impaired hearing, speech/sight and/or learning disabilities. Where it was felt that having a meeting with sound and full vision, but no subtitled video available afterwards would have a slightly negative impact.

Constructive suggestions and comments within the survey results have been included in the Recommendations section below.

### **Recommendations**

1. Advising well in advance what the IT requirements and broadband speeds needed for the meetings
2. Asking participants in advance whether they have any special needs
3. Possibly offering a loan for the necessary equipment for people wishing to make a deputation
4. Providing a clear script of the proceedings in advance including no background noise and meeting etiquette
5. Allowing participants to have a representative at meetings (explore ways of having "digital champions" to assist participants (in the same way as our Customer Service Centres)
6. Displaying on screen the name of person speaking and their role
7. Having a transcript on screen in real time

8. Encouraging participants to contact Democratic Services if any part is unclear
9. High quality of screen and sound
10. Collecting feedback from each meeting, monitoring and updating this report
11. Ensuring the meeting is available after the meeting including subtitles
12. Consider having a British Sign Language Signer on screen through the meeting
13. Monitor all/any complaints made due to these changes
14. Must resume with physical meetings as soon as possible, alongside digital meetings whilst complying any social distancing measures (Parliament are managing to do this currently).

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**With thanks to: The Customer Insight Team, Deputy Democratic Team Leader, Licensing Team Leader, Planning Development Manager, Project Manager IT and those who took part in the internal survey.**

## Appendix 3

Reference sites also using SfB Broadcast to enable public meetings –

### Brighton and Hove -

<https://aisapps.sonicfoundry.com/AuditelScheduler/Player/Index/?id=03aa22c9-0101-445d-9296-e7689b1b81b4&presID=031a3fd448ce47cf9b52b99fd56d3db61d>

**Exeter** - <https://news.exeter.gov.uk/we-think-we-held-the-uk-s-first-virtual-full-council-meeting/>

**Lancashire** - <https://council.lancashire.gov.uk/ieListDocuments.aspx?CId=122&MId=9517>

**Bury** - <https://www.buryfreepress.co.uk/news/council-meetings-to-resume-remotely-via-skype-9107417/>

### Skype Functions

#### Functionality

- Video & Phone conferencing 
- Screen & document sharing 
- Conferencing management 
- Mobile & tablet compatibility 
- Location independency 
- Recording & annotative capabilities 
- Instant messaging chat 
- Secure? 
- Public broadcasting capabilities 
- Need for training
- Added cost
- Extra administrative duties needed?
- Office 365 compatible 
- Currently used within the council 
- Meeting Management 

#### Suitability to the Business Issue

- |  |   |  |
|--|---|--|
|  Multi-device compatibility |  Broadcasting capabilities |  Recording capabilities       |
|  Internet dependant         |  Location independent      |  Interactive messaging        |
|  ≤250 members in each call  |  Office 365 compatible     |  Broadcasting to Social media |