

# Approaches to meeting: learning the lessons from the pandemic

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## About the Centre for Governance and Scrutiny

CfGS exists to promote better governance and scrutiny, both in policy and in practice. We support local government, the public, corporate and voluntary sectors in ensuring transparency, accountability, and greater involvement in their governance processes.

Governance and scrutiny are essential for the successful working of any organisation. Now, more than ever, trusted decisions are needed. We believe that decisions are better made when they are open to challenge and involve others – whether that's democratically elected representatives, those affected by decisions, or other key stakeholders.

At the heart of better governance and scrutiny are the right behaviours and culture. Our work champions these relational aspects and designs the structures to support them, leading to more effective decision-making and improved outcomes for organisations and people

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# 1. Introduction

We have learned throughout the pandemic that convening meetings remotely can be an effective and transparent way to carry out council business. The ability to view meetings online brought councils to the public and made council meetings more accessible.

The powers to convene meetings remotely are no longer available to local authorities in England – they sat in Regulations which expired in May 2021. Campaigning work undertaken recently by membership bodies in the sector, has highlighted that councils consider that they require the freedom to make the judgement as to when convening meetings this way will work for them.

This is about more than administrative convenience – a proportionate and measured approach to hybrid and remote working will significantly enhance and widen participation in local democracy. Opening out democracy, in the interests of equality, diversity and inclusion, is a significant driver for the operation of hybrid approaches. By and large it has proven easier for the public to engage with remote meetings (with online viewing figures far more than those physically present in public galleries pre-pandemic) – although there are key equalities considerations in ensuring that remote meetings are fully and meaningfully accessible, as we explain in this paper.

If not designed carefully these models can bring risks, this is particularly around public accessibility and how behaviours and relationships between members, and between members and officers, may need to shift to accommodate these new ways of working on a more permanent basis.

Recognising the importance of attitudes and behaviours is a critical part of designing and delivering successful meetings. Making technical arrangements for hybrid working is only part of the story.

Throughout the pandemic, following research and conversations, the CfGS has been keeping the issue of remote meetings under continual review, which has led this paper.

The aim of this paper is to focus on the ways councils can integrate consistent, transparent, and accountable arrangements in their constitutions for the operation of hybrid meetings and – in due course, when the law allows – remote meetings. This paper aims to suggest a framework within which councils can think about their options, informed by their own legal advice. There are many reasons why individual councils may wish to take steps on hybrid meetings which differ from each other – the need to take account of differing circumstances is central to local democracy. But within each council, the application of these arrangements must be clear and consistent.

This paper aims to provide a means to assure this consistency. This will be done by recommending the adoption of a hybrid working protocol (explained in chapter 3), setting out key arrangements for such meetings, and the matters to be considered in making such arrangements. This should be based on learning from experience in convening meetings remotely which we explore in chapter 2.

## 1.1 Background

In April 2020, Government passed emergency Regulations further to the Coronavirus Act to allow councils in England (and Police and Crime Panels in England and Wales) to convene meetings remotely.

Councils convened meetings entirely remotely between the coming into force of these Regulations and their expiry in May 2021. Before this date, lawyers in Local Government and the Association of Democratic Services Officers brought action in the Administrative Court, supported by a range of national sector bodies (including Government itself) seeking confirmation that the wording in the Local Government Act 1972 permitted councils to convene meetings remotely. However, the Court declined to make such an order (its reasoning can be found at [here](#))

In March 2021 Government issued a “call for evidence”, in the form a twelve-week consultation, inviting views on the adoption of permanent arrangements for remote meetings. Government’s view was, and is, that the adoption of these arrangements needs to happen by way of primary legislation, and that therefore must wait until time is available in Parliament – either for a standalone Bill or for the relevant provisions to be added to another relevant Government Bill. Since the call for evidence the Secretary of State has advised that he wishes to provide for hybrid and remote meetings in law.

In Wales, the power to convene meetings remotely was provided in the Local Government (Wales) Measure 2011. These powers were refined and developed by the Local Government and Elections (Wales) Act 2021, further to which statutory guidance was issued. The guidance refers to both remote and hybrid meetings as “multi-location” meetings, and requires councils to make provision for them, as well as for the broadcast of proceedings in audio, and in some cases video.

## 1.2 What CfGS has done

Found below is a summary of the work that CfGS has undertaken throughout the pandemic pertaining to remote meetings:

- Issued initial guidance on behaviours and conduct as part of the suite of support provided to local authorities through the Remote Meetings Partnership at the beginning of the pandemic;
- Carried out two surveys to gather experiences – once in summer 2020 and again in early 2021;
- Observed a significant number of webcast council meetings;
- Reviewed a selection of councils’ remote meeting protocols in their constitutions, as they stood in May 2021, and any protocols for the

operation of hybrid meetings which may have been drafted more recently. We highlight a selection of these in this paper;

- Held several roundtables and seminars with members and officers in late 2021 and early 2022 to identify areas of learning and development in light of experiences from the pandemic.

We have also, through the Remote Meetings/Digital Democracy Partnership convened by the LGA, engaged closely with membership organisations including ADSO and LLG.

### 1.3 The current legal position: definitions of “hybrid” and “remote” meetings

Following the expiry of the Regulations in May 2021 all meetings must now (February 2022) be convened in person. The legal participants of a meeting must all be physically present. Others involved in a meeting – witnesses, for example – may attend remotely. Councils can also broadcast meetings, as many have for some time. Despite the availability of this facility, councils must ensure that the public can access the physical location in which the meeting takes place to observe.

This is the case whether the meeting will be making decisions or not. If the meeting is convened under the Local Government Act 1972 (the case for almost all council bodies, except for council Cabinets/executives) those attending the meeting must be physically present for it to go ahead. The position for Cabinets is less clear, and several councils have taken the view that because they are not 1972 Act committees, they may still be convened entirely remotely.

For this reason, since May 2021 meetings have often been convened with committee members present, but with others (cabinet members, officers and others giving evidence) joining by remote means. These meetings are what this paper describes as “hybrid” meetings. This approach gained traction in late autumn 2021, when the development of the Omicron variant of the coronavirus made the convening of all-physical meetings challenging for public health reasons. It is an approach which has continued into 2022, and which looks likely to be a long-term trend.

Some councils have taken the view that they can convene meetings largely or wholly remotely, and held in public, which carry out business, but which are not “formal” meetings in the legal sense. Under these circumstances most or all attendees attend remotely, the meeting cannot make decisions but “advises” an officer or member who acts to make decisions under delegated (or emergency) powers. This was an approach which some councils took to meet a pressing business need at the height of the first lockdown period before the Regulations came into effect. The public policy need for this kind of workaround is arguably now lessened. Councils will need to think extremely carefully about the legal basis on which these decisions are convened, and the legal safety of decisions made which might engage with these “informal” member bodies.

## 1.4 Definitions of what hybrid meetings are, who is a “participant” and how “informal” and “formal” hybrid meetings might be managed differently

A formal hybrid meeting is a meeting of a principal council where:

- The meeting is of a committee or sub-committee of the council, with the meeting being convened under the Local Government Act 1972<sup>1</sup>;
- The members of the committee or sub-committee are required to be physically present to be marked as in attendance, and to vote. For the avoidance of doubt this includes formal co-optees, whether or not they hold formal voting rights;
- The facility must be available for the public to attend the meeting physically. This includes physical attendance to record and broadcast the meeting;
- Some other non-committee members may need to be present. For example, some councils have determined that applicants for licenses, and for planning permission, should be present;
- Other councillors, officers or individuals (include members of the public who may be playing an active part in the meeting by presenting a petition, or asking a formal question) may join the meeting remotely, subject to – in various cases – the council’s constitution, the decision of the Monitoring Officer or the decision of the chair).

An informal hybrid meeting is:

- A gathering of members and officers to discuss matters relevant to the authority’s business, but in a setting where the Local Government Act 1972 does not apply and no decisions can be made;
- A gathering which can take many forms – from a short meeting between a councillor and an officer over Teams, to a public meeting with an agenda and to which the public are admitted, which may look and feel like a formal meeting, but to which usual provisions relating to formal meetings may not apply and where a range of people join remotely and physically. Scrutiny review meetings may, in future, be conducted in this manner – or, more likely, entirely remotely.

### “Participants” and others who are involved

Further to the definition above, in respect of a formal hybrid meeting:

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<sup>1</sup> Certain meetings are convened under different legislation. Council executives / Cabinets meet under the Local Government Act 2000, which is less specific on where and how meetings should be convened, leading some councils, having obtained legal advice, to consider that such meetings can be legally convened entirely remotely.



- A “participant” is a member of a committee, who in order to take part in proceedings must be present physically – legally they are “attending” the meeting. A member of a committee *could* in theory join remotely – they would not be marked as “present” for formal purposes and would not be considered to be “attending” the meeting. They could not take part in formal proceedings, such as a vote. This includes voting and non-voting co-optees. Councils would need to consider carefully the extent to which such a practice adheres with the High Court judgment, given the concerns that the Court raised about the need for certainty about who is or is not “present” for the purpose of formal proceedings;
- Others may be “involved” in a meeting but, with no formal requirement to be physically present, could join remotely. This covers witnesses, members of the public and other councillors. In respect of the public, as noted above the facility must exist for physical public attendance in the room that the meeting is taken place.

A formal hybrid meeting will be inquorate if an insufficient number of a committee’s members are physically present. Some councils have sought to allow such meetings to go ahead notwithstanding – recognising that they have no formal status and decision-making power in doing so. In cases where decisions need to be made, some councils have sought to use these informal “committees” as consultative bodies, with their views influencing the making of a formal, delegated decision by an officer. While this paper cannot provide legal advice on this matter, councils will need to think carefully about the legal basis for holding meetings in this way.

## 2. Learning from experience: behaviours and attitudes associated with remote and hybrid working

Councils learned much during the pandemic about the technical and logistical challenges of operating remote meetings. They also learned about the behavioural and attitudinal shifts amongst both members and officers in how business was carried out. We set out some of these key behavioural factors below – in brief, they are:

- Understanding how frequent meetings need to be, and where and how member voices need to be heard. Hybrid meetings significantly lower barriers to organisation – informal hybrid meetings especially. This could result in a growth in the number of meetings overall, and more active member involvement in a wider range of issues. In some contexts, allowing for more regular, hands-on conversations between members and officers will help councils to operate more effectively – in some cases they will not;
- Preparation. Hybrid meetings (like remote meetings) will require preparation – to understand how hybrid working will affect the dynamics in the room, based on who is attending in person and who remotely. This is likely to make them more resource intensive to organise and support;
- The structure and management of meetings (particularly focus and attention). Meetings where some participants join remotely need to be organised to ensure equality of access – ensuring that remote participants are not forgotten and that all are able – where appropriate – to be involved on a level playing field. This also involves an awareness of how those joining remotely can be distracted – and arrangements for use of the meeting chat and WhatsApp (as well as other messaging tools)
- The approach to debate and dialogue. Hybrid meetings may be especially tough for chairs, who may need to be more interventionist – and who may require more support. The challenges for these meetings are different to the challenges for either remote or physical meetings;
- Accessibility – for councillors, professionals, and the public – is crucial. Equality will need to be at the forefront of the minds of officers and councillors designing these systems. The need to ensure, and promote, transparency will need to be a key component of hybrid arrangements.

We will return to some of these issues in chapter 3.

## 2.1 Behaviour change overall

Behaviour change seemed to have presented differently in different councils. We are aware of instances where relationships between politicians, and between politicians and officers, worsened, where debate became more antagonistic and confrontational.

Equally we had seen examples of improved behaviours – places where dialogue and discussion were much richer because more members were able to take an active role in formal business, and because the challenge of the pandemic gave people a sense of shared purpose. There has been a sense that behaviours in remote meetings were more “sanitised” – that the distance of a remote meeting platform encouraged more measured behaviours.

We know that, given this experience, some members have been keen to “get back to” traditional behaviours – particularly the sometimes-performative nature of full Council meetings. For many, the pandemic period was a hiatus rather than an opportunity to think afresh about how we meet, and how we behave when we meet.

It is worth noting therefore that examples of positive behaviours will often have a negative counterpart – councils’, and councillors’, individual experiences vary significantly. Individual meetings in the same authority may also exhibit these differences. There is certainly no overwhelming, consistent trend.

Below, we provide examples of these positive and negative behaviours, and how they manifested.

### **Could changes in behaviour in the past couple of years be due to something other than remote working?**

Behaviour changes – positive and negative – may not always relate exclusively to the operation of remote meetings. There have been other developments in recent years that has impacted on behaviours – things like:

- High member turnover. Some councils have experienced high turnover in the last several years. A “bumper” election year in 2021, coupled with the challenges around inducting new members in remote working environment, may have exacerbated this;
- Shifts in political balance. More councils have shifted to no overall control in recent years, with some being administered by multi-party coalitions; this is coupled to wider trends around political balance. Councils which have been politically stable for lengthy periods have now become more contestable. In some places these changes may not have been managed especially nimbly, and may have had negative results in terms of behaviour;
- Financial pressures. Increased pressure on council finances has, for some authorities, brought to the foreground the need to make extremely difficult decisions about stopping or curtailing certain services. In some cases, this has led to significant political tension – and to tension between the council and the public;

- Shifting business models. Councils moving to different operating models can bring both councillors and officers out of their comfort zone – in some instances such changes have led to councillors becoming frustrated at an ability to effectively scrutinise commercial activity undertaken by the council, or activity carried out by another provider, paid for from council funds. This is a broader issue – perhaps exacerbated by the pandemic in some way. It is something that a forthcoming CfGS publication will examine in greater detail.

Not all the behaviours and factors set out below have been present in every, or most councils – they reflect a general sense of the kind of issues that emerged in some meetings in some authorities.

## 2.2 The frequency of meetings – understanding when members’ (and other) voices need to be heard

Some councils took a significant amount of time to begin to convene meetings once the power to meet remotely was given in spring 2020. The ongoing emergency may have been used by some as a justification for not convening meetings, because staff were extremely busy with pressing operational duties. We know that similar excuses have been made into 2022, and that (for example) scrutiny committees have found it challenging to secure the attendance of officers. In some councils, the frequency of meetings has therefore reduced – with member activity not exactly side-lined, but curtailed, particularly since the ability to convene meetings remotely ended in May 2021.

Paradoxically, during the pandemic it became, in some respects, easier to convene meetings. While the number of formal meetings stayed around the same in many councils (once meetings restarted in May), informal meetings proliferated as it became easier for people to find the time and opportunity to attend them. In a fast-moving and uncertain environment where serendipitous in-person meetings (in Town Hall corridors, for example) are less likely it became more common to convene meetings; people being at home the whole time led to a tendency to assume constant availability, and the number of meetings proliferated.

### Learning

Councils (particularly senior officers) should examine in what circumstances the use of hybrid working can be normalised as the pandemic recedes. This is particularly the case for bringing hybrid meetings into a council’s toolchest on a permanent basis.

Planning for meetings includes reflecting on where holding a meeting (hybrid, remote or otherwise) may not, in fact, be appropriate or necessary – asynchronous communication through tools like Teams, Slack, SharePoint or e-mail may be a more effective way to transact business. Not everything needs to be worked on “live”.

## 2.3 Preparation

In many councils the operation of remote meetings saw more, and more effective, preparation in advance of those meetings.

The purpose, objectives and outcomes of remote meetings were often better defined – remote meetings in many instances covered less business in more detail. Member and officer communication in advance of the meeting was better, because (certainly at the outset of the pandemic) everyone had to think carefully about how the meeting would work to ensure that everyone could be effectively engaged. Remote working made it easier for chairs to be more involved in preparation conversations. Conversations about planning and preparation, which might otherwise have happened by e-mail or through informal in-person meetings and phone calls, tended to be tighter and more focused.

However, in some cases the frequency of meetings (see above) meant that preparation did not happen as effectively – that the fragmentation of communication that some experienced because of remote meeting impacted upon the organisation of meetings as well.

And, in other places, meetings were over planned – an uncertainty about how arrangements should operate involved the expenditure of a significant amount of resource, particularly on the side of officers. As confidence with remote working grew, this risk dissipated – although there is a possibility that the risk will reappear as people experiment with hybrid meetings. It remains the case though that despite everything, remote meetings were always more resource intensive than physical ones to organise – with a member of staff often being present as a matter of course to manage ICT difficulties, and planning around ICT being an important part of preparation.

### Learning

Chairs and their committees may need to plan ahead more carefully, in thinking about how business might be transacted (including transacting business in hybrid forms). This may include more creativity about the involvement of witnesses and members of the public, where barriers to engagement may have been lowered if they are able to join physical meetings remotely.

## 2.4 The structure and management of meetings: focus and attention

In meetings themselves, there were significant behavioural shifts. Attendance increased because of the ease of joining remotely – but attendance is not the same as active presence. Focus, in some instances, was more difficult for many participants because of the ease of multitasking.

Multitasking is the tendency to not fully engage in the meeting by undertaking other tasks – some of which may be related (tangentially) to the meeting itself, but some of which may not.

Those joining a meeting remotely are beset with distractions. This can take several forms:

- Taking notes. Except for the committee clerk, whose job it is to take a note of the meeting, notetaking can end up becoming a way to “engage” in the meeting without listening, and contributing, actively. This can also happen in physical meetings, but it is more obvious to other participants;
- Parallel chats. Participants can use the “chat” feature to have parallel conversations about committee – and other – business. When comments are made in the general chat they can be seen by the chair and discouraged, but private messages can also be sent between participants. Chat on other platforms such as WhatsApp can also be carried out in a way that is less obvious than it would be if participants were present in person;
- “Admin”. The use of time in meetings to do e-mails, and other work – or to perform domestic or political activity wholly unconnected to the meeting in question. This is a particular risk.

Remote meetings posed challenges for chairs trying to keep track of participants levels of engagement. Where all participants are together in the same physical space an experienced chair can – even with a large group – get a sense of those who are engaged, and disengaged, from the discussion in progress. They can see where someone is keen to contribute to the conversation.

Online, this is more challenging. In a large meeting a chair may not even be able to see the video feed of all participants – particularly if a presentation is being displayed on screen-share. Some participants may turn their cameras off – councils have taken different approaches to expectations around councillors’ visibility, and the visibility of others.

In a formal hybrid meeting, a chair (as a meeting participant) will generally be present in a room with other participants, while others join remotely.

Keeping track of activity and engagement on a screen which may be small and off to one side of the room, presenting images of remote participants which may be of a poor resolution, could be distracting to chairs. There is the element also of trying to focus on the engagement of individuals joining remotely.

## Learning

A good first step will be to highlight some of these risks of inattention in a protocol, and to ensure that both members and officers are aware of them. It might be appropriate for hybrid meetings for the online chat to be disabled, unless it is being actively used by a clerk to communicate with those joining remotely.

The risk of some of these behaviours is lessened with hybrid meetings where councillor participants will be in the room – but the chair will need to be aware that it may affect the engagement of those joining remotely. These behavioural issues continue to be a pressing risk for informal hybrid meetings.

## 2.5 The approach to debate and dialogue

Chairs have a delicate balance in both hybrid and remote meetings. The challenges of bringing together discussion between people not all in the same physical place means a degree of intervention on the part of the chair, which involves a more structured approach to questioning and to conversation.

In some instances during the pandemic, councillors struggled with effective chairing. Chairing was sometimes too interventionist – choking off free debate with an attempt to organise and structure proceedings, itself driven by a need to stay focused and ensure that business could be transacted in challenging circumstances. Conversely, sometimes chairs found it difficult to control proceedings – an unfamiliarity and lack of confidence with technology often being central.

Some excellent in-person chairs found it challenging to chair remote meetings. Some chairs lacking in confidence and skills in person found themselves highly able at managing meetings remotely. It is likely to be the same with hybrid meetings, and chairs will need support and advice (and the ability to reflect on their performance) to be able to transact their duties effectively. They will also need assistance from other committee members.

## Learning

Even experienced chairs are likely to need ongoing advice and support if hybrid meetings are to become more widespread. Councils may want to take the opportunity to facilitate conversations between councillors about the best way for debate and discussion to be managed in hybrid meetings, and in remote meetings should the power be put in place to meet in this way in future.

## 2.6 Accessibility, for councillors and other active participants

The challenges around remote meeting accessibility for councillors are well-documented. Challenges for members joining on tablets or phones, or suffering from poor broadband connections, were consistent causes for concern – limiting the ability of those members to fully participate. Councils took significant steps to make IT facilities, and support, available to members who needed it – and this served to mitigate this problem significantly.

Arguably more significant, are the positive impacts that remote meetings had on access for those with caring and professional responsibilities. It meant more consistent councillor attendance at meetings, and a greater ease in securing a wider range of witnesses for some scrutiny meetings.

### Learning

Ongoing council awareness of the personal needs of councillors will be important in maintaining their engagement, as in-person physical meetings continue. Councils will need to think about whether the resumption of physical meetings in May 2021 led to a drop off in engagement and attendance from some members – or other shifts in engagement or behaviour. Councils will need to consider these, and related equality, issues in thinking about how “non-participating” councillors may still be supported to attend, and be involved in, certain meetings. It may also support conversations about where certain business – for example, scrutiny investigations – may be carried out entirely remotely or through informal hybrid meetings.

## 2.7 Accessibility, for the public

Remote meetings facilitated significant access to the public to observe meetings – with the disadvantage that at times they made active contributions to meetings more challenging. In behavioural terms, remote meetings are far less susceptible to being “disrupted”. Councils experienced such disruption when, at the start of the pandemic, observers were permitted access to online meeting platforms themselves, but this stopped when councils began broadcasting a meeting feed on YouTube or a council website instead.

That said, there is still a line of argument that says that remote meetings (and hybrid meetings, under relevant circumstances) need to facilitate public protest in some form. Protest in meetings has been a feature of political discourse in the UK for a long time; although inconvenient and disruptive to the transaction of business, the advent of hybrid meetings (and remote meetings) may drive councils to think about these needs.

Finally, councils will need to consider how an increase in audiences for meetings is impacting on the behaviour of those taking part. Viewing figures for remote meetings were significantly higher than pre-pandemic attendance in in-person public galleries – it is unclear the extent to which this had a direct effect on



behaviours, but increased awareness of council business could have long term effects (positive and negative) on how the public view and perceive councillors, and councils.

### Learning

Participation and observation by the public is central to good governance, transparency and local democracy. The operation of hybrid meetings may put in place further barriers, and present further opportunities, for participation.

## 3. Acting on learning: a hybrid and remote meeting protocol

Councils adopted rules on remote meetings as part of their constitutions in spring 2020.

While fully remote meetings are not legal at the time of writing (February 2022), some of the issues we raise in this paper could be accommodated in a rewrite of these protocols, to take account of the development of practice around hybrid meetings. An awareness of the attitudinal and behavioural issues around the operation of such meetings could be incorporated both into these protocols, and councils' Code of Conduct.

The main components of a protocol might include:

- Definitions of what hybrid meetings are, who is a “participant” and how “informal” and “formal” hybrid meetings might be managed differently (as covered in the section above);
- Consistent rules and principles to underpin where and when hybrid meetings can be convened;
- Similar principles to determine how meetings can be properly planned;
- Understanding how support on technology, and access, will need to be managed for participants and observers;
- Guidance for chairs and members on the transaction of business (probably led by a “chair’s briefing note”), with a particular focus on the kinds of behavioural and attitudinal issues set out in chapter 2.

Not every aspect of the management of hybrid meetings will need to be including in a protocol. Councils are also likely to need to consider how existing standing orders and rules of procedure may need to be interpreted differently for hybrid meetings – in particular, to account for remote observation, and remote attendance by witnesses.

The issues explored below relate to learning gathered by CfGS over the course of the pandemic, presented in the section above.

### 3.1 Managing meetings differently

It seems like that hybrid meetings will, by default, become the norm for a large range of “informal” meetings. As we write this, most SMT/senior officer leadership teams are being carried out in hybrid form; informal/political cabinet meetings are being convened in a similar way. Meetings between senior officers and Cabinet members, and other member/officer meetings, may be carried out partly, or predominantly, through remote or hybrid means.

This will even be the case as staff return to the office (and as the need to conduct formal business in person acts as a powerful magnet for councillors, drawing them to the Town Hall).

The principles we go on to describe below, in relation to formal meetings, are likely to apply just as much to informal ones. Business will still need to be carried out effectively and certain informal hybrid meetings will need as much thought and planning as formal ones.

Councils will therefore need to consider where and how informal hybrid meetings will be appropriate.

- For small meetings with up to around twelve active participants (and where, for example, four or five of those participants are in the same physical location) hybrid meetings are likely to be feasible and effective. This is particularly the case where participants know each other, are confident in their roles, and where everyone is also known to the chair;
- Sometimes, if one person is joining remotely all participants might need to consider whether they should join as if they are remote too. Although the idea of several people in the same physical location all dialling in separately may seem obtuse, it is likely to ensure that people are better able to engage on a level playing field. This might not be a universal rule though, and it will depend on the context;
- For more complex meetings (and larger ones) councils might think that they should either go all-remote, or all-physical – this contributes to the principle of equality of access. However, in doing so councils will need to think about the access needs of participants overall.

## 3.2 Consistent rules and principles to underpin where and when hybrid meetings can be convened

Different councils may want to make different arrangements for this.

Some meetings may lend themselves to a range of people joining remotely. Where scrutiny committees take evidence from many witnesses, it is likely to be convenient and effective to do so remotely. Under certain circumstances, remote attendance by applicants at planning and licensing committees may also be possible. Meetings of full council, however, may only be effective where all involved take part in the same physical location.

In all cases, the facility for people to be attend meetings physically should always be provided – this includes physical attendance by the public to observe.

Rather than setting out complex rules to determine exactly which may convene in hybrid form and which not, councils may want to set out a range of principles, agreed by members and subject to public input/consultation, so that decisions over when to permit hybrid attendance and when not are clear, well-understood

and predictable. This may – or may not – begin with the principle that meetings should be convened to be all-physical unless there is a pressing reason to permit some form of hybrid attendance.

Key considerations are likely to include:

- The question of intention. Why is a meeting being convened? What are the meeting's objectives? What format is the best one to carry out that meeting's business? For scrutiny task and finish meetings, for example, the nature of proceedings may lend themselves to wholly remote arrangements. For some meetings, where it is legal to convene them, remote meetings may be less resource intensive – in others, as we have noted above, they may be more so, and an understanding of these issues will be important in making a judgement;
- Where it is important for a person or a group of people to be involved in a meeting, and where that might require that arrangements might need to be in place for them to join remotely. To reiterate, the members of formal committees are not permitted to join this way, but other people may be able to do so;
- The availability of resources, and the need to prioritise need. Some councils may not have enough IT and video facilities to service multiple meetings, in public meeting rooms at the same time. Some prioritisations may be necessary, if there is high demand for such facilities;
- The requirements of equality, diversity and inclusion. Being able to join a meeting remotely is a huge enabler of local democracy. This is the case not only for observers, but for others seeking to be involved without being formal participants in a meeting. It can be used to draw on a broader pool of witnesses for scrutiny meetings, to facilitate a more open approach to public questions, and to make it easier for applicants to engage with formal meetings on regulatory and quasi-judicial matters. *This paper sets out some barriers and challenges for the successful operation of hybrid meetings, but the overriding benefits for equality we think override these shortcomings, where they do exist.*

### 3.3 Principles for planning and preparation

Different meetings are likely to need different levels of preparation. Our research has shown that hybrid and remote meetings can benefit from more, and more effective, preparation. To prevent this from becoming burdensome, chairs and others playing a part will need to think about the following kinds of issues:

- The nature of the business being conducted. Are decisions being made? Is evidence being taken from external witnesses, and if so in what capacity? Is the meeting one in which non-committee members have a right to speak, or would expect to be able to speak?

- How much business is being carried out. A longer, or more complex, agenda might sometimes be better served by an all-physical meeting rather than a hybrid, to make focus and attention easier to manage;
- Who will need to attend physically, and who can (or may need to) attend remotely?
- Are there any safeguarding needs, or implications, around those joining remotely, or even those present in the room?
- Aside from the formal participants in the meeting, the committee administrator will need to be present in the room – a council may decide that applicants (on planning and licensing issues) or parties (in respect of other, quasi-judicial matters such as school appeals) should be physically present by default in the interests of the smooth running of proceedings. However, councils will need to be aware that – if the facility for hybrid working exists – their duties under the Equality Act could require that they make that facility available where someone (who is not a meeting participant) finds it more difficult because they possess a protected characteristic.
- Councils will also need to be alive to the risks of disadvantaging people who have professional or caring responsibilities which make attendance difficult, when joining a meeting remotely might be a technical option.
- Finally, councils will need to consider levels of IT skills, and access to IT equipment, amongst those joining this way;
- Seating arrangements for those attending physically. When cameras are present, people may need to sit in specific places to ensure that those joining online can see them. This may affect – for example – where political groups sit together;
- How will the balance of who is, and who is not, in the room will affect how business is transacted. If there are a number of people joining by remote means, it will affect behaviours both in the room, and online;
- The use of visual aids. Where some are in the room and some not, those presenting reports/information will need to take great care around the use of visual aids. PowerPoint presentations may not be universally readable, depending on things like font size on screens.
- Physical handouts will obviously not be accessible to those joining remotely (including public observers). Councils will need therefore to have particular regard to arrangements for the tabling of late papers, or the tabling of papers or reports at the meeting itself.

### 3.4 Understanding how support on technology, and access, will need to be managed for participants and observers

Meaningful access is a vital part of the operation of meetings held in public – for participants, other people who are involved, and for observers. For remote or hybrid meetings, this starts with technology.

This is critical for those involved in the meeting but not present in the room. Those joining remotely will need their contributions managed so that they can play as full and active part in the meeting as needed.

### 3.5 Technology

Councils will have been used to the operation of technology for remote meetings. For hybrid meetings a whole new range of considerations exist. The considerations outlined below are vital in ensuring that there is equality of participation for those involved in the meeting in person and remotely, and for ensuring that public observation in person and remotely is also possible.

- It will be more difficult for council officers to provide assistance, relatively seamlessly, to those joining online.
- It may be more difficult for those joining online to highlight where they are experiencing connection difficulties;
- It may be more difficult for those joining online to follow proceedings happening in the physical space – and vice versa.
  - Camera angles in the room may be suboptimal. Only a single, wide shot of the room may be available, which may make it difficult for those to follow proceedings. Similarly, some systems may focus the camera on whoever has an active microphone, which may make the feed feel disjointed for those not in the room. Where those joining remotely have their presence projected onto a screen, the screen may be too small (a TV screen to the side of the committee table) or uncomfortably large (a projector screen with a six-foot high image of a person's head and shoulders), or positioned where not all participants can see it (even the chair);
  - Sound quality may be poor. Mics may pick up debate in the physical space in a way that causes echoes or feedback for those joining online. For those in the physical space, amplification in the room may not be properly integrated with an in-situ mic loop system.

All these issues will also impact on the public's ability to follow proceedings. Technology – in many respects a significant enabler of engagement and participation – may serve to impede it where poor quality solutions are put in place. This is, we know, an area where councils are developing their practice – ongoing experimentation is still necessary and getting it wrong is often a necessary way of learning lessons and, in due course, getting it right.

It is worth noting that while many councils have invested in video facilities in some committee rooms, but these may have been procured primarily to facilitate recording and broadcast, rather than the active involvement of those joining remotely. Councils may need to consider whether, and how, to invest in better facilities.

## 3.6 Access for participants and others involved in the meeting

Participants will be in the same room but may be expected to interact with those joining remotely. We have noted above those technological limitations that may make this challenging. It may also make things difficult for those joining from a remote location. Considerations are likely to include:

- The fact that, in the case of formal hybrid meetings, the chair will always be in the room rather than joining remotely, which potentially biases proceedings in favour of those present physically. This is particularly the case given that those who are present physically will include all of the legal “participants” in the meeting;
- How the chair will have regard to the roles, and needs, of those joining remotely. Chairs will need to think about:
  - the tendency of those joining remotely to lose their attention – particularly if audio and video feeds of the committee room are not ideal, and proceedings difficult to follow.
  - their duty to promote equality of access – this is likely to involve a more planned and structured approach to debate where more active chairing is necessary – for example, by inviting contributions from named individuals, and by ensuring that contributions are addressed through the chair;
  - the need to check to ensure that remote links have not been lost, and a way to make contact with those joining remotely if they have (this includes ensuring that broadcasting arrangements, where relevant, are active and working). Councils developed systems and processes for managing this in the 2020/21 period;
  - the likelihood that those joining remotely may not do so for the whole meeting, and that their contribution will have to be managed accordingly.

## 3.7 Access for the public

The public are entitled as a matter of right to attend the physical space where a formal meeting is being held, unless the meeting is dealing with an exempt matter. Councils will need to satisfy themselves that any action they take to facilitate hybrid meetings will not interfere with the public’s right to observe meetings – and to record them, using their legal powers to do so.

Councils are likely to want to broadcast hybrid meetings as well as allow in-person attendance; as with a wholly remote meeting, the meeting will be hosted on an online platform, and can be made available for viewing in the way that it would have been prior to May 2021.

This raises the implication that all meetings (including those where no people are joining remotely) should be broadcast in the same manner. As we noted above,

the availability of resources may initially cause a challenge in making this facility widely available. Although, it is easier to broadcast proceedings happening in a physical space than it is to facilitate two-way communication with people joining remotely.

Councils will need to think about public access where active rights exist to be involved in meetings.

Councils will need to take a view as to whether, participating in this way, members of the public should be *required* to be physically present. Different circumstances may include:

- Public questions;
- The presentation of petitions and deputations;
- Public attendance at meetings to observe, and to record proceedings.

In all cases, the facility for the public to be physically present should always be available, in line with legal requirements.

### 3.8 Guidance for chairs and members on the transaction of business, with a particular focus on behaviours

Arguably the most important element of getting hybrid meetings right will be ensuring that chairs, and members, and others, have a clear sense of the behavioural issues which are likely to present themselves with respect to hybrid meetings.

A chair's note on this subject would likely need to take account of many of the factors raised in chapter 2 of this paper. This might include, amongst those other factors:

- Ensuring that, at the start of the meeting, the chair clearly indicates that the meeting is being held in hybrid form, and whether this means that different rules of procedure will operate to those in place for "ordinary", physical meetings;
- Requiring that those present either remotely or in person introduce themselves (usually not required for all-physical meetings);
- Giving advice to the public on what it means for them, whether attending in person or observing remotely;
- Setting out etiquette expectations (with particular expectations on the need to address all remarks and comments through the chair, to ensure that mics are activated and deactivated appropriately, and that those in the room have regard to the needs of those joining remotely (and vice versa) in their behaviours.



