



Leicester
City Council

**WARDS AFFECTED:
ALL**

Planning and Development Control Committee

23rd June 2021

: Remote Public Speaking Rules

Report of the City Barrister and Head of Standards

1. PURPOSE OF REPORT

- 1.1 To approve revised Public Speaking Rules to allow the continued option for remote public speaking during the time of COVID19 and going forward for reasons of convenience and accessibility.

2. RECOMMENDATIONS

1. That Committee approve the Revised Public Speaking Rules (attached as Appendix A)

3 SUMMARY

- 3.1 The report proposes revised Public Speaking Rules to allow the option for remote public speaking during the period of COVID19 and then to remain in place going forward until a further review.

4.0 REPORT

- 4.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the COVID Regulations") came into force on 4th April 2020 under powers granted by section 78 of the Coronavirus Act 2020 to allow local authorities to deal with the challenges of holding physical meetings during the coronavirus pandemic. The COVID Regulations were stated to apply until 7th May 2021 and allowed local authorities to hold meetings remotely, for example through digital conference software (e.g. Zoom) or telephone conference calls. However, they did not mandate such meetings to be held remotely or in a particular format.

- 4.2 Your Council took practical steps to ensure that meetings of the Council and its committees continued to take place by adopting remote meeting procedure rules. In addition, to ensure continued participation through public speaking this committee (“PDCC”) adopted revised public speaking rules to allow public and non PDCC member speaking by audio link only. These measures were adopted only for the period when the COVID Regulations were in place.
- 4.3 It was unclear whether after 7th May 2021 meetings could continue remotely, and so national legal action by interested parties was pursued to resolve the uncertainty.
- 4.4 On the 4th May 2021 the High Court confirmed that the COVID Regulations had lapsed and that remote meetings could no longer take place. This is because under the Local Government Act 1972 it is a legal requirement that
- members of a committee must be physically present in one location to be in attendance at a meeting, and
 - it would not satisfy the legal requirement that a meeting is “open to the public” or “held in public” if the only form of access to the meeting by the public was via a remote connection.
- 4.5 The Court confirmed whilst councils are legally required to allow the public the opportunity to attend in person at the meeting venue, this does not prevent councils from broadcasting meetings via webcam, and they would still need to take into account Government guidance on Covid-19 safety measures, which could mean restricting the number of attendees. The Court decision does not however prevent councils from offering public speakers the opportunity to speak from a remote location.
- 4.6 Your Council has prepared for the return to face to face meetings, whilst also remaining compliant with current Covid-19 guidance to ensure meetings are conducted safely. Corporate guidance has been issued for public attendance at council meetings in line with current Covid-19 regulations. To help ensure people’s safety, capacity limits in buildings and meeting spaces have been introduced to ensure social distancing can be maintained. So, whilst restrictions or guidelines remain in place it may be necessary to limit public access in person to meetings if the meeting room capacity is reached. Members will note the 2nd June 2021 PDCC meeting was successfully managed in this way.
- 4.7 As part of this process and to ensure public transparency and accessibility whilst managing capacity limits, technology is in place to facilitate and offer remote public access and speaking. This is now operational, and it is proposed that members of the public and registered public speakers will be offered the opportunity to observe the meeting online. It is also proposed that registered speakers will in addition be offered the opportunity to speak by virtual visual / audio link from a remote location for their convenience as an alternative to attending the meeting physically

- 4.8 To facilitate this, some minor changes to the rules for public speaking must be adopted by PDCC. It is proposed that these should roll forward most of the procedures agreed in May 2020 when the previous remote meetings procedure rules were adopted and successfully operated when virtual meetings under the COVID Regulations took place. A draft of the proposed rules is attached as Appendix A. The changes previously adopted are shown in tracked changes, and further minor changes are highlighted in yellow.
- 4.9 The proposed rules will offer the opportunity for speakers to again contribute to the meeting remotely, even where they choose not to attend in person at the time of local and national COVID restrictions and concerns. Some speakers may also find this a more accessible way of contributing, and it removes the need for travel to and from the meeting and so has environmental benefits.
- 4.10 The national COVID restrictions are currently under review, and the time of writing this report it is not clear how they could change on the 21st June, or when they could be relaxed completely. In addition, a Government consultation on the potential for the re- introduction of remote or “hybrid” meetings will close on the 17th June 2021 and the prospect of and timescale for any re-introduction of remote or hybrid meetings is unclear.
- 4.11 As remote participation may prove to be a more convenient and preferred option for many speakers it is recommended that these provisions continue to be offered beyond COVID restrictions in any case, and kept under review as the Government position on blended or fully remote meetings evolves . For these reasons it is proposed the revised public speaking rules if adopted remain in place until the need for a further review and that this review should aim to take place in June 2022

5.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from this report.
 Paresh Radia
 Finance Manager

5.2 Legal Implications

As report author there are further legal implications
 Jane Cotton Solicitor Planning and Highways

6 Climate Change Implications

None

7 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
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Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8 BACKGROUND PAPERS

None

9. REPORT AUTHOR

Jane Cotton , Solicitor Planning and Highways

APPENDIX A:

Draft Public speaking rules