



## **POLICY AND RESOURCES COMMITTEE**

**Wednesday, 9 June 2021**

<b>REPORT TITLE:</b>	<b>USE OF COUNCIL BUILDINGS FOR CIVIC, COUNCIL AND COMMITTEE MEETINGS</b>
<b>REPORT OF:</b>	<b>ASSISTANT CHIEF EXECUTIVE – DAVID ARMSTRONG</b>

### **REPORT SUMMARY**

This report provides the Committee with an update and recommendation in respect of proposed arrangements for the safe operation of Council meetings for the administrative year 2021/22 giving due consideration to guidance and regulations arising from Covid-19.

This is not a key decision.

### **RECOMMENDATION/S**

- 1. That the arrangements for the safe operation of Council and Committee meetings to continue at the Floral Pavilion for a six-month period from May 2021 be approved, with a potential review in September 2021.**
- 2. That, in the interim, a Member Working Group be established to consist of eight Members (3;2;1;1;1) to consider and report back to the Committee on:**
  - a) a review of the outcome of the HM Government Roadmap Review and revised Covid Regulations and/or Guidance following publication;**
  - b) the implications of the impact that the Roadmap Review may have on Council and Committee Meetings in the context of the Council's estate; and**
  - c) consideration of the works and investment required to enable Wallasey Town Hall to operate Council and Committee meetings going forward in a safe and compliant manner.**

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The flexibility for meetings of the Council and Committees to be held remotely came to an end as of 7<sup>th</sup> May 2021. From that point onwards the Council requires a safe and compliant environment in which to operate in-person meetings.
- 1.2 The Council must comply with its duties to its employees, members and visitors when operating Council buildings and sites. Whilst this has been enshrined in law for many years the new demands in the safe operation of buildings following Covid have implications for the Council estate including those buildings which operate Civic arrangements.
- 1.3 The Council must give due consideration to advice from HM Government and Public Health England. The Council is currently waiting upon revision to the Covid Regulations, expected in June 2021. Alongside this, there is also an ongoing Government review (the 'Roadmap Review') due to be published concerning working arrangements.
- 1.4 Weighing the various matters in early May 2021, an assessment of buildings available, including cost but primarily current and potential Covid related requirements and advice, led to booking meeting space at the Floral Pavilion (auditorium briefly but then conference rooms) for Council and Committee meetings for a six-month period.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 An update was provided on the future of remote Committee meetings to the Constitution and Standards Committee in February 2021, where it was explained that the legislative changes required to allow remote Committee meetings to continue once the regulations set out in the Coronavirus Act 2020 expire on 7 May 2021, had not yet been confirmed. Councils have since been advised that in-person meetings are required from 7 May 2021. The Council therefore cannot consider the continuation of hybrid or virtual meetings at this time for decision making meetings.
- 2.2 Alternative accommodation options to host Council and Committee meetings are discussed within the body of this report.

### **3.0 BACKGROUND INFORMATION**

- 3.1 In spite of the additional demands and challenges placed on Members and Officers by virtue of the Covid-19 pandemic, a full programme of Committee meetings was embarked upon following the adoption of the new Constitution in September 2020 and prior to that, Regulatory Committees and selected other Committees continued to meet between April and September 2020 predominantly to consider planning and

licensing matters. The Council enabled the safe operation of Council and Committee meetings through virtual means.

- 3.2 Regulations which have allowed local authorities to meet remotely during the Covid-19 pandemic do not apply to meetings after 6 May. HM Government advised that it concluded it was not possible to secure primary legislation to extend the regulations to meetings beyond this date. This means that councils need to return to face-to-face meetings.
- 3.3 Following the application by Hertfordshire County Council, the Association of Democratic Service Officers, Lawyers in Local Government and the Local Government Association, the High Court has issued a judgment that the Local Government Act 1972 does not allow local authorities to hold meetings virtually. The High Court concluded that existing legislation specifies that council meetings must take place in person at a single, specified, geographical location and being “present” at such a meeting involves physical presence at that location.
3. The Secretary of State recognised there may continue to be concerns about holding face-to-face meetings and advised it is for local authorities to apply the Covid-19 guidance to ensure meetings take place safely. HM Government advise that they recognise that there has been a considerable investment of time, training and technology to enable meetings to take place over the last year and have a review in progress on the future of remote meetings.
- 3.5 The Government has published updated guidance to highlight ways in which councils can, if necessary, minimise the need for, or risks of, face-to-face meetings. The Council is currently operating meetings from the Floral Pavilion for a period to enable in-person meetings to operate within the guidance and Regulations. The Floral Pavilion is a modern theatre with large auditorium and conference facilities which operates high-tech heating, ventilation, and air conditioning (HVAC) systems. The Floral Pavilion can therefore operate such meetings safely and compliantly. All Councils across the country are having to give consideration to these issues and a number of Councils are using theatres and leisure centres to operate Council meetings.
- 3.6 **Covid Safe**
  - 3.6.1 To support Councils to operate meetings within Council buildings HM Government have provided guidance on the safe operation of buildings ([COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings)) and the guidance relating to Main Halls and Council Chambers (covered under the [COVID-19: Guidance for the safe use of multi-purpose community facilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-the-safe-use-of-multi-purpose-community-facilities)). However, Members should note that this guidance is of a general nature and should be treated as a guide. In the event of any conflict between any applicable legislation (including the health and safety legislation) and this guidance, the applicable legislation shall prevail.
  - 3.6.2 COVID-19 is a workplace hazard. The associated risks should be managed in the same way as other workplace hazards. This includes completing a suitable and sufficient assessment of the risks of COVID-19 in the workplace and identifying control measures to manage that risk. These measures include undertaking regular

risk assessment, cleaning regimes, social distancing, face coverings, ventilation requirements, test and trace processes and arrangements for managing a case of covid-19. In addition, broader preventative approaches are also recommended; including working from home where possible, reducing face to face meetings, communicating and training staff on safety measures and monitoring impact to ensure that the controls continue to protect customers and workers. This guidance considers employees, agency workers, contractors and other people including Elected Members. HM Government continue to advise employees to work from home wherever possible until a review of social distancing measures is completed nationally. By Step 4 which will take place no earlier than 21 June, the government hopes to be in a position to remove all legal limits on social contact. However, HM Government has indicated that even then 'COVID-Secure' measures should remain in place. All sites remain subject to strict re-mobilisation processes.

- 3.6.3 The application of recommended measures is intended to mitigate, rather than eliminate, the risk of covid-19 transmission. The incidence of Covid-19 in the local community is aligned to the risk of transmission. Rates of Covid-19 in Wirral are at the time of writing this report low, reflecting the national situation, therefore enabling the gradual easing of social contact restrictions as the risk of transmission is reduced. However, this follows a period of suppression resulting from the 'lockdown' period and the rollout of the vaccination programme. It is anticipated that numbers of Covid-19 will increase following a period of easing and increased social contact and that the later stages of the roadmap out of lockdown are "highly likely" to cause a surge of Covid-19 infections and hospital admissions through late summer/early autumn. Providing COVID-secure buildings for staff and Elected Members to work within, and the wider public to visit, as restrictions are progressively lifted, is therefore crucial.
- 3.6.4 It is also important to acknowledge that the national roadmap is not sensitive to local data therefore any local risk assessment needs to consider the local position in relation to the 4 tests for easing as set out by HM Government. These include incidence and mortality rates, hospitals admissions, vaccination coverage and variants of concern. As well as the boroughwide position, within Wirral data will need to be considered, as there is variation in case rates, outcomes and vaccination coverage in different parts of Wirral. Measures to reduce risk should respond to the local data which could include full and partial building closures.
- 3.7 **Roadmap Reviews**
- 3.8 HM Government have advised that roadmap reviews will be completed before moving to Step 4. The Social Distancing Review is exploring whether existing rules, designed to limit virus transmission, could be relaxed in different settings. This work is developing the safest approach to allow closer social contact between friends and family, safely enable greater capacity on transport, and reduce distance requirements within venues and workplaces.
- 3.9 The review is looking at key baseline measures, including how and when to safely lift or amend the 1m+ rule and related COVID-secure measures, as well as guidance on working from home. It is also looking at what guidance can be provided to enable individuals to take informed personal choices. The conclusion will depend on the latest data and evidence on the state of the pandemic and the impact of vaccine

effectiveness, as the country progresses through the roadmap. The extent of any relaxation in social distancing measures is linked to the questions being explored by the COVID-Status Certification Review - including whether COVID-status certification can enable changes to social distancing. At the time of writing the Council does not have this information and the date for publication of the review(s) is currently unknown. On the 18 May 2021, a Government spokesperson advised the review could be delayed as a result of Covid-19 variant rates. The resilience of any arrangements to deliver safe Council and Committee meetings should be considered.

### **3.10 Wallasey Town Hall**

- 3.11 Prior to the Covid-19 pandemic, Council and Committee meetings took place in the Chamber and Committee rooms available within the Civic spaces available at Wallasey Town Hall. The Town Hall also provided asset-based services including Taxi Licencing and One Stop Shop services as well as office and meeting space for Council Officers and Elected Members.
- 3.12 Wallasey Town Hall has been closed to service users, Members and staff since March 2020 except for pre-arranged visits to collect items. Access to the Town Hall continues to be required periodically by arrangement for specific reasons to support business continuity, this includes accessing legal documents held in a secure way. Such access is strictly controlled, and a risk assessment is in place for this activity. All services have been relocated and the office space at the Town Hall is not currently required with staff operating in a hybrid arrangement.
- 3.13 An early assessment of Wallasey Town Hall using the current guidance highlighted that the Chamber and Committee Rooms would not meet requirements. Further considerations extending to airflow and ventilation highlighted that there is currently no space in the Town Hall which could extend to Council or Committee meetings. Wallasey Town Hall does not benefit from modern Heating, ventilation, and air conditioning (HVAC) systems. For example, whilst the Main Hall may be large enough to sit a Committee meeting using social distancing, the ventilation arrangements would require all windows in the hall to be open to 30 degrees for the period of the meeting. This would provoke issues relating to weather conditions, thermal comfort, and external noise. Such considerations include meeting the guidelines from Approved Document Part 'F' and 'CIBSE' guidance documentation where this assists in an assessing the passive ventilation available to each room. This assessment is carried out by those with professional competency and experience in interpreting these guidance documents. A detailed assessment is underway which will provide further information relating to the work and processes required to enable access and operation of the Town Hall.
- 3.14 Subject to the roadmap reviews as set out in paras 3.8 thru 3.10 and the asset and facilities management implications arising it is anticipated that investment will be required to achieve compliance with guidance at Wallasey Town Hall. This is likely to include access systems and Heating, ventilation, and air conditioning (HVAC) systems. This would require that each area to be occupied be assessed and calculated by specialists in this field to determine sufficient air movement and fresh air supply and extract demands and along with this a necessity for a conservation

architect to determine appropriate adjustments to a Grade II listed building in such a programme. Risk assessments and relevant protocols will also be required in line with public health guidance, HSE guidance and legislation. Wirral Council will be required to update its own policies and procedures following the outcome of the review(s).

### **3.15 Birkenhead Town Hall**

3.16 Members should note that similar issues exist at Birkenhead Town Hall, built in 1887 and Grade II listed. An early assessment of Birkenhead Town Hall using the current guidance highlighted that the Assembly Rooms and Hall could not support Council or Committee meetings requirements due to social distancing and ventilation issues.

3.18 Limited and managed operational activity has restarted at this site for business continuity purposes where it can do so safely subject to infection prevention control arrangements as identified in risk assessments.

3.19 Subject to the roadmap reviews as set out in paras 3.8 thru 3.10 and the asset and facilities management implications arising, it is anticipated that investment will be required to achieve compliance with guidance at Birkenhead Town Hall.

### **3.20 Proposed Way Forward**

3.21 It is proposed that Committee agrees that meetings continue at the Floral Pavilion for the six-month period from May 2021 with the ability to review the situation as of September 2021. During this period also, it is intended that the Mayor's Parlour will be based at Birkenhead Town Hall, with all Mayoral activities following relevant guidance.

3.22 The Committee should note that only decision-making committees require in-person meetings and therefore Elected Members should consider where possible continuing with virtual meeting arrangements. Should Elected Members require meeting space or access to buildings and workstations, facilities management teams will work with Elected Members to support such requests utilising the broader Council estate.

3.23 It is proposed that during that timeframe a Member Working Group is established to consider and report back to the Committee to provide a recommended way forward on:

- a) a review of the outcome of the HM Government Roadmap Review. (Members should note that the outcome and publishing date for the review is unknown at the time of report writing);
- b) the implications of the impact that the Roadmap Review may have on Council and Committee Meetings in the context of Wirral's estate; and
- c) consideration of the works and investment required to enable Wallasey Town Hall to operate Council and Committee meetings in a safe and compliant manner.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The operation of meetings at the Floral Pavilion is subject to internal recharge arrangements and therefore currently does not raise broader financial implications. However, in the longer term the booking of auditorium or conference space for Council meetings may see revenue loss for the venue (subject to future operating arrangements).
- 4.2 IT costs for the mobilisation of Council meetings at the Floral Pavilion are circa £2,500 associated with the purchase of additional cabling and a necessary upgrade to the Public I web-casting software.
- 4.3 A full cost appraisal of works required at Wallasey Town Hall will set out further financial implications. This will consider the most appropriate funding mechanisms for any works - which could include Covid tranche monies, maintenance budgets and capital works.
- 4.4 The annual running costs (taken from the last full pre-Covid year) of Wallasey Town Hall are £387,628.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have ceased to be of effect in accordance with the Coronavirus Act 2020. This legislation had included a 'sunset clause' that ensured it was of effect for a limited time only.
- 5.2 On 25<sup>th</sup> March 2021 the Ministry of Housing, Communities and Local Government wrote to Local Authorities to advise that these regulations would not be extended, ceasing on 7<sup>th</sup> May 2021, necessitating the resumption of face-to-face meetings from this date.
- 5.3 The operation of in-person meetings in order to make a lawful decision can be achieved only through the requirements of Local Government Act 1972. Other forms of meeting, for briefing, discursive or other purposes, can continue to do so through remote means.
- 5.4 Covid Regulations remain in force at the time of writing this report.
- 5.5 Further Government guidance in relation to the operation of meetings and associated accommodation is of a general nature and should be treated as a guide. In the event of any conflict between any applicable legislation (including the health and safety legislation) and this guidance, the applicable legislation shall prevail.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no staffing or ICT implications arising from this report. The implications relating to assets are addressed in the body of the report.

## **7.0 RELEVANT RISKS**

- 7.1 Risk assessments for the use of the Floral Pavilion for Council and Committee Meetings are completed and regularly reviewed.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Plans and preparations have been developed to recommence face to face meetings in a way that intends to reduce covid related risks. This work has been overseen by a team of officers, including representatives from Public Health and Health & Safety. A report was submitted to the Constitution and Standards Committee in February 2021, a further update was submitted to the Member Steering Group in March 2021. Regular updates were provided to Group Leaders at their meetings in March/April 2021.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 An equality impact assessment for the use of the Floral Pavilion for Council and Committee Meetings has been completed.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The Floral Pavilion is a theatre with modern climate and HVAC (Heating, ventilation & air conditioning) systems which will provide an efficient and optimised safe operating environment.
- 10.2 Wallasey Town Hall was built over 100 years ago. The building is not as efficient in terms of heating and energy usage as the Floral Pavilion and therefore the temporary arrangements at the Floral will see a reduction in greenhouse gas emissions.
- 10.3 The review of requirements at Wallasey Town Hall will set out the implications of re-mobilisation of that site including those pertaining to the environment and climate.

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## **APPENDICES**

### **BACKGROUND PAPERS**

The Council Constitution  
Remote Meetings Update, Constitution and Standards Committee 24/2/21  
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 Local Government Act 1972  
Covid-19 Guidance for the Safe Use of Council Buildings – April 2021  
Equality Impact Assessment – Floral Pavilion  
Floral Pavilion Council Meetings Risk Assessment

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Constitution and Standards Committee	<b>24/2/21</b>