



## **POLICY AND RESOURCES COMMITTEE**

**Thursday, 7<sup>th</sup> October 2021**

<b>REPORT TITLE:</b>	<b>USE OF COUNCIL BUILDINGS FOR CIVIC, COUNCIL AND COMMITTEE MEETINGS - UPDATE</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 Municipal year 2021/22 giving due consideration to guidance and regulations arising from Covid-19.

This is not a key decision.

### **RECOMMENDATION/S**

The Policy and Resources Committee are recommended to: -

1. Agree that the arrangements for the safe operation of Council and Committee meetings continue at the Floral Pavilion for the remainder of the Municipal Year.
2. Consider and agree a way forward on the investment proposals for the Town Halls as set out in the report and request that the Assistant Chief Executive submits an update report to a future meeting of the Committee.

## **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. Updated guidance from HM Government states that employers must carry out health and safety risk assessments, including the risk of COVID-19, and to take reasonable steps to mitigate the risks identified. The working safely guidance sets out a range of mitigations employers should consider including cleaning surfaces that people touch regularly, identifying poorly ventilated areas in the venue and taking steps to improve air flow, ensuring that staff and customers who are unwell do not attend the workplace or venue, communicating to staff and customers the measures put in place.
- 1.3 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. It is proposed that following assessments of the space available at the Town Halls that the Floral Pavilion continues to host Council and Committee meetings to enable Council to perform its business.
- 1.4 The Floral Pavilion, with its modern heating, ventilation, and air -conditioning systems provides a venue for Council and Committee meetings which meet the guidance relating to airflow and ventilation. The Floral Pavilion also provides a resilient offer, which can flex to changes in infection prevention control guidance such as social distancing.

### **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 as the Council enabled the safe operation of Council and Committee meetings through virtual means. Prior to that the Council had operated emergency decision making arrangements but Regulatory Committees and selected other Committees continued to meet remotely between April and September 2020 predominantly to consider planning and licensing matters.
- 3.2 Regulations which have allowed local authorities to meet remotely during the Covid-19 pandemic do not apply to meetings after 6 May 2021. 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.
- 3.4 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 consider these issues and several Councils continue to utilise alternative venues to operate Council meetings.
- 3.6 **Covid remains a Workplace Hazard**
- 3.6.1 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.

- 3.6.2 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 very high. Despite national changes to restrictions and controls, the Council continues to provide COVID-secure buildings for staff and Elected Members to work within and retains appropriate measures across its estate in line with local Public Health advice and other relevant guidance.
- 3.6.3 All buildings operating across the Council's estate are subject to risk assessments which include Covid-19 considerations. At the time of writing this report the advice to staff, visitors and Members is to continue to maintain 2m distancing where possible, wear face coverings when moving around buildings and continue with increased cleaning arrangements; this aims to mitigate the risks associated with droplet transmission (from people being in close contact) and contact transmission (touching surfaces). This advice currently extends to business and committee meetings.
- 3.6.4 The Director of Public Health is actively reviewing the Covid situation across the Borough and the framework of advice and guidance provided to services to ensure they can deliver safely. A review of current guidance in relation to meetings conducted in Wirral Council buildings is scheduled early October 2021. This could see changes to 2m distancing for Committee and Council meetings. However, the guidance in relation to ventilation from the Health and Safety Executive remains as set out in the report to P&R Committee in June 2021. It is anticipated that this guidance will become legislation in due course.

### 3.7 **Assessment of Venues and Ventilation**

- 3.8 The law says employers must make sure there's an adequate supply of fresh air (ventilation) in enclosed areas of the workplace. This has not changed during the pandemic. Operators can achieve this by using
- natural ventilation - fresh air comes through open windows, doors or air vents. This is also known as 'passive airflow', or-
  - mechanical ventilation - fans and ducts bring in fresh air from outside
- 3.9 Ventilation is important because it reduces how much virus is in the air. It helps reduce the risk from aerosol transmission. Aerosol transmission can happen when someone breathes in small particles in the air (aerosols) after a person with the virus has been in the same enclosed area. The risk from aerosols is greater in areas that are poorly ventilated.
- 3.10 Council engineers have completed an assessment of the Town Halls identifying poorly ventilated areas and the risks associated with aerosol transmission. Controls have been put in place at both Town Halls to minimise the risk of COVID-19 aerosol transmission by increasing natural ventilation and limiting occupancy within rooms and spaces to a level where sufficient fresh air supply can be achieved in line with capacity. Surveys have now been completed to estimate the requirements and costs of additional mechanical control systems which would increase capacity and reduce risk. Given the nature of both of the buildings, any works are subject to listed building consent.

### 3.11 **Wallasey Town Hall**

- 3.12 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. Wallasey Town Hall was completed in 1920 and is Grade II listed.
- 3.13 Wallasey Town Hall was closed to service users, Members and staff from March 2020 except for pre-arranged visits to collect items. Access to the Town Hall during this period was managed by arrangement with facilities management staff, supporting business continuity.
- 3.14 Recently arrangements have been put in place to enable limited access to some individuals and teams to utilise offices at the Town Hall, this arrangement also extends to Group Leaders and their Office Managers. A risk assessment has been completed in line with this arrangement and controls on capacity and activities are in place.
- 3.15 An initial assessment of Wallasey Town Hall highlighted that the Chamber and Committee Rooms would not meet regulations in place relating to social distancing. Furthermore, assessments of airflow and ventilation highlighted that the Chamber and Committee Rooms do not support the occupancy levels required to conduct the relevant Council meetings. Wallasey Town Hall does not benefit from modern Heating, ventilation, and air conditioning (HVAC) systems. To achieve the required airflow and ventilation in the Civic Hall (sometimes referred to as the Main Hall) to conduct a limited meeting, all windows in the hall would need to be open to 30 degrees for the period of the meeting. Such considerations include meeting the guidelines from Approved Document Part 'F' and 'CIBSE' guidance documentation - where this assists in assessing the passive ventilation available to each room. Operating a meeting in this space using such controls would raise issues relating to weather conditions, thermal comfort as we move into winter, and external noise. Further issues would arise relating to limited availability of break out space, public access and web casting arrangements.
- 3.16 At the request of the P&R Committee, a further assessment has been completed to determine the work and processes required to enable access and operation of Wallasey Town Hall beyond the limited capacity arrangements currently in place. This included inspection by qualified technical service providers.
- 3.17 Following early soft market testing, the forecast investment required to install mechanical ventilation across all floors of the building with central air handling plant is significant, costing approximately £2.4m before additional site management fees or other costs associated with the buildings' listed status. Any tender for future works must comply with contract procedure rules. To determine achievability of proposals, drawings would need to be commissioned, such drawings are usually between 8-10% of total costs and are additional to works.
- 3.18 Any changes are subject to listed building consent, as the Town Hall is a listed building the drawings would require appraisal from a conservation architect before

being subject to planning approval. The full costings and plan for delivery would only become available at this stage and an update to Committee could be provided at this point.

- 3.19 Before Covid-19, Wallasey Town Hall also provided a base for several asset-based services including One Stop Shop Customer Services and Licensing. Whilst these services are operating safely and effectively at alternative sites, relevant service committees may wish to receive reports as to the current delivery arrangements for these services.
- 3.20 Additionally, Asset management have in place arrangements to review the required works following condition surveys undertaken approximately 2 years ago, it is likely that additional investment would be required to maintain the structure and fabric of this building and Birkenhead Town Hall, and this will be updated once surveys have been concluded. It has not been possible to complete further surveys before the publishing of this report though this work is in-train.
- 3.21 **Birkenhead Town Hall**
- 3.22 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.
- 3.23 Limited and managed operational activity has restarted at this site for business continuity purposes where it can do so safely subject to ventilation and infection prevention control arrangements as identified in risk assessments.
- 3.24 At the request of the P&R Committee, a further assessment has been completed to determine the work and processes required to enable greater access and operation of Birkenhead Town Hall beyond the limited capacity arrangements currently in place. This included inspection by qualified technical service providers.
- 3.25 As with Wallasey Town Hall, early soft market testing has been undertaken. The forecast investment required to install mechanical ventilation across all floors of the building with central air handling plant is also significant at this site, costing approximately £1.3m before any site management fees or other costs associated with the buildings listed status. Any tender for future works must comply with contract procedure rules. To determine achievability of proposals, drawings would need to be commissioned, such drawings are usually between 8-10% of total costs and are additional to works.
- 3.26 Any changes are subject to listed building consent, as the Town Hall is a listed building the drawings would require appraisal from a conservation architect before being subject to planning approval. The full costings and plan for delivery would only become available at this stage.
- 3.27 Areas of the building may need to be closed during works. Should works be progressed, relevant business continuity plans for services operating from this asset would need to be invoked. Such arrangements would likely have additional cost

implications. Income and revenue implications from the hosting of weddings and other ceremonies have not been fully costed at this stage.

## CONCLUSIONS

3.28 It is recommended that Committee agrees that meetings continue at the Floral Pavilion for the remainder of this Council Municipal Year whilst further detailed assessment works are undertaken at the Town Halls. The Floral Pavilion provides a resilient and safe environment for Council and Committee meetings.

3.29 It is recommended that the Assistant Chief Executive provides an update on the Town Halls and proposals for the following Municipal year in due course.

### 3.30 Options

3.31 The Committee is asked to consider the following options and recommend a course of action, noting that costs for the commissioning of drawings will be funded through recovery budgets:

Option No	Option	Cost Estimate
1.	Proceed with commissioning of drawings for ventilation and air conditioning at both Town Halls and receive report with schedule of costs and conservation architecture advice at the earliest opportunity.	c. £370K
2.	Proceed with commissioning of drawings for ventilation and air conditioning for Wallasey Town Hall and receive report with full schedule of costs and conservation architecture advice at the earliest opportunity. Birkenhead Town Hall to continue with current capacity at this time.	c. £240K
3.	Proceed with commissioning of drawings for ventilation and air conditioning for Birkenhead Town Hall and receive report with full schedule of costs and conservation architecture advice at the earliest opportunity. Wallasey Town Hall to continue with current capacity at this time.	c. £130K
4.	Do Nothing – This would leave current capacity guidance in place at both sites and require a longer-term plan for Civic meetings. This would also release funding from the Covid-19 Recovery budget to reduce the Council's capitalisation request for 2021/22	Nil

## 4.0 FINANCIAL IMPLICATIONS

4.1 The operation of meetings at the Floral Pavilion does not currently have income implications, this could however be subject to change and future reports will set out any associated costs.

4.2 IT costs for the mobilisation of Council meetings at the Floral Pavilion at the time of writing this report are approximately £2,500, associated with the purchase of

additional cabling and a necessary upgrade to the Public I web-casting software. Additional microphones required to improve Council meetings have been quoted at approximately £12,000. Any further improvements to technology, audio or voting systems would require additional investment. This can be funded from the Covid-19 Recovery budget.

- 4.3 Condition Surveys for both Town Halls will provide a view on the works required over the medium term (0-10 years), any works identified will be met through appropriate revenue budgets and/or the capital programme (subject to approval).
- 4.5 Given the age of both Town Halls it would be prudent to consider contingency for additional costs emerging through works as identified by the conservation architect. This should be factored once agreement on the way forward has been made.
- 4.6 A recovery budget for the safe remobilisation of services was put in place using Covid Tranche funding. This budget could meet the cost of commissioning drawings. The cost of these range from £130k to £380k depending on the option chosen. If Option 4 – Do nothing – is chosen, up to £380k of Covid-19 Recovery funding can be released to reduce the 2021/22 capitalisation request. The recovery budget is not sufficient to meet forecast costs of over £3.8m for the installation of ventilation systems at Town Halls. Funding for works to enhance assets could be met through the Council's capital programme (subject to approval), the revenue implications for this are not currently considered in financial planning and would create a revenue pressure in future years. Any revenue pressure will need to be mitigated through additional savings and therefore consideration should be given to the most appropriate use of resources.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 The operation of in-person meetings 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.
- 5.2 The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. It sets out the general duties which employers have towards employees and members of the public, employees have to themselves and to each other and certain self-employed have towards themselves and others. This covers employers ensuring there is an adequate supply of fresh air (ventilation) in enclosed areas of the workplace.

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

- 6.1 Staff continue to work from locations across the estate. There is no current requirement for further office space at Wallasey Town Hall though the effectiveness of the new ways of working are being reviewed.
- 6.2 Internal staff from Assets Management would be required to support the delivery of works, this would be significant and additional to the current workload. It is suggested that subject to relevant approvals a project team is assembled and financed as part of any capital bid.



6.3 Implications relating to assets are addressed in the body of the report.

6.4 There are no ICT implications associated with this 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, resilient, and optimised safe operating environment.

10.2 Display Energy Certificates (DEC) indicate how much energy is being used to operate a building. The operational rating is based on meter readings of all the energy used in the building including lighting, heating, cooling, ventilation, and hot water. It is compared to a benchmark that represents performance indicative of all buildings of this type.

10.3 The energy performance operational rating tells us how efficiently energy has been used in a building, it is scored A to G (with A being more energy efficient and G less energy efficient). The display energy certificates for Wallasey and Birkenhead Town Halls and the Floral Pavilion are provided as appendices.

10.4 The location of the Floral Pavilion will increase travel distance and travel time for many Elected Members, partner organisations, Officers, and members of the public, and dependent on their means of travel this will see increased fuel consumption and CO2 emissions from private vehicles.

## **11.0 COMMUNITY WEALTH BUILDING**

11.1 There are currently no community wealth building considerations.

**REPORT AUTHOR: Tim Games**  
(AD – Strategic Change)  
telephone: 0151 691 8170  
email: [tingames@wirral.gov.uk](mailto:tingames@wirral.gov.uk)

## APPENDICES

A1: Display Energy Certificate for Wallasey Town Hall  
A2: Display Energy Certificate for Birkenhead Town Hall  
A3: Display Energy Certificate for Floral Pavilion

## 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  
Equality Impact Assessment – Floral Pavilion  
Floral Pavilion Council Meetings Risk Assessment  
Wallasey Town Hall Risk Assessment  
Birkenhead Town Hall Risk Assessments  
[Health and Safety at Work etc. Act 1974 \(legislation.gov.uk\)](https://www.legislation.gov.uk)  
[Ventilation and air conditioning during the coronavirus \(COVID-19\) pandemic \(hse.gov.uk\)](https://www.hse.gov.uk)  
Chartered Institute of Building Services Engineers Guidance - [CIBSE - Emerging from Lockdown](#)

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Constitution and Standards Committee	<b>24/2/21</b>
Policy & Resources Committee	<b>9/6/21</b>