



POLICY AND RESOURCES COMMITTEE

Wednesday 16th March 2022

REPORT TITLE:	USE OF COUNCIL BUILDINGS FOR CIVIC, COUNCIL AND COMMITTEE MEETINGS - UPDATE
REPORT OF:	ASSISTANT CHIEF EXECUTIVE – DAVID ARMSTRONG

REPORT SUMMARY

This report provides the Committee with an update and recommendation in respect of proposed arrangements for the safe operation of Council and Committee meetings for the Municipal year 2022/23 giving due consideration to guidance and regulations arising from Covid-19.

This is not a key decision.

RECOMMENDATION/S

The Policy and Resources Committee is recommended to: -

1. Agree the arrangements for the safe operation of Council and Committee meetings for 2022/23 Municipal Year.
2. Request that the Asst Chief Executive provide an options paper as to the future and use of the Boroughs Town Halls 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 7th 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. Following a further report in October 2021, it was agreed that Council and Committee meetings would continue to meet at the Floral Pavilion, for the remainder of the Municipal Year. 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.
- 1.4 It is now proposed that following work to implement solutions to enable the safe operation of Council and Committee meetings that Wallasey Town Hall Council Chamber re-opens for Council Meetings for the Municipal Year 2022/23 adopting the proposed approach.
- 1.5 Should HM Government implement new restrictions during the Municipal Year 2022/23, that meant the Council Chamber could not support the safe operation of meetings, the Council would initially seek to move meetings to the Floral Pavilion as it provides a resilient offer, which can flex to changes in infection prevention control guidance such as social distancing.
- 1.6 As part of the regeneration programme and activity being progressed to ensure the Council's operational functions meet the needs of our communities and support the delivery of the outcomes identified in the Wirral Plan, a review of Council assets is underway. Given the nature of the Boroughs civic arrangements and the operation of

two Town Halls, it is proposed that a report is brought to the P&R Committee to debate the future use of the Town Halls.

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 allowed local authorities to meet remotely during the Covid-19 pandemic did not apply to meetings from 7th May 2021. HM Government advised that it concluded it was not possible to secure primary legislation to extend the regulations to meetings beyond that date. This meant that councils needed 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 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 advised that they recognised that there had been a considerable investment of time, training and technology to enable meetings to take place during 2020/21 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 a 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.

3.6 **Covid remains a Workplace Hazard**

3.6.1 On 22nd February 2022 HM Government set out a high-level plan for “COVID-19 Response: Living with COVID- 19” detailing the cessation of legal restrictions, the continuing importance of protecting the most vulnerable, maintaining resilience against future variants and building on innovation and opportunities from the COVID-19 response. Detailed policy and updated guidance on several aspects of the Plan are currently in development at the time of writing.

3.6.2 Acknowledging that the pandemic is ongoing the Plan emphasises the increasing importance of encouraging safer behaviours through public health advice and guidance as it moves away from deploying regulations and requirements. Although there is uncertainty about how the pandemic will evolve the emergence of other variants is considered a probability rather than a possibility, with recurrent resurgence of infections, and that a stable position will not be reached for several years. COVID-19 therefore remains a workplace hazard and these risks will need to be managed. The Council will also need to maintain flexibility and agility to achieve ongoing business resilience from further resurgences and new variants and any restrictions that may follow.

3.6.3 The ‘Living with COVID’ plan removes the health and safety requirement for every employer to explicitly consider COVID-19 in their risk assessments from 1st April 2022. This will be replaced by ‘How to Work Safely’ guidance which is due to be published later this month. The Council currently undertakes a regular assessment of the risks of COVID-19 in the workplace and identifying recommended infection prevention and control measures to manage that risk. All buildings operating across the Council’s estate are subject to risk assessments which include COVID-19 considerations.

3.6.4 Whilst the legal requirement will be replaced with guidance, the need to ensure that services can continue to be delivered safely, protecting both staff and service users, remains within the context of the ongoing pandemic and its impacts on health. At the time of writing, rates of COVID-19 remain high and whilst the COVID-19 vaccination programme has reduced the number of deaths and hospitalisation associated with COVID-19 infection it has not eradicated the risk of adverse health outcomes. Therefore, the advice to staff, visitors, and Members, at the time of writing, is to continue to assess COVID-19 risks and maintain mitigation measures in the workplace and across the estate in line with Public Health guidance. This reflects the advice of the Health & Safety Executive to continue to reduce the risk of COVID-19 transmission through workplace risk assessment and controls. This will be reviewed following the publication of the ‘How to Work Safely’ guidance in April 2022.

3.7 **Assessment of Venues and Ventilation**

3.8 The law says employers must make sure there is an adequate supply of fresh air (ventilation) in enclosed areas of the workplace. This has not changed during the pandemic and does not change as a result of the HM Government high level plan to live with Covid. Operators can achieve adequate ventilation 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 initially 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 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 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 Limited access and activity is currently undertaken at the Town Hall. A risk assessment has been completed for Group Leaders and their Office Managers in line with controls on capacity in place.

3.15 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. Similar issues apply to break out spaces and party meeting rooms. Wallasey Town Hall does not benefit from modern Heating, ventilation, and air conditioning (HVAC) systems and does not meet current legislation in relation to ventilation, a position which is not uncommon for buildings of the Town Hall's age and design.

- 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.
- 3.18 Asset management commissioned independent qualified technical service providers to review the Town Hall and deliver the assessment of works. Given the request of P&R Committee to focus on the resumption of Council meetings a phased appraisal and implementation has been conducted. Phase 1 to enable the Council Chamber to be used for the purpose of Council meetings following works.
- 3.19 Phase 1 will include improved ventilation for the Council Chamber and Gallery only, for an optimum number of 100 persons and can remain as a permanent installation that is measurable and calculated to meet improved ventilation requirements. Phase 1 will also work in harmony with a full house solution should this be adopted. This will be achieved by the fitting of passive supply mechanical air ducts bringing fresh air supply to the bottom of the existing Council Chamber. At high level over the Gallery, a mechanical extract will be installed to ensure transfer and air change takes place. To meet our environmental policy and support our Climate Emergency programme the then warmed extract air will have heat recovery applied.
- 3.20 The anticipated costs have been assessed at circa £45k for phase 1 installation including controls linked to the Building Management System. Currently the use of the Council Chamber is prohibited for Council meetings due to a lack of ventilation, but a programme has been identified that would see the Council Chamber and Gallery offered back for use by the end of August 22.
- 3.21 Due to the listed status of the building Planning approval wrapping up conservation submission (and relevant approvals here) will be necessary, and eight weeks has been built into the programme to obtain this.
- 3.22 It is therefore apparent that Phase 1 works will not be completed early enough to enable Council meetings in the first months of the new Municipal year. A temporary solution has therefore been sought to enable meetings to commence at Wallasey Town Hall Council Chamber in line with the Council calendar. This solution will also enable Policy & Resources and Service Committee meetings to be conducted in the Council Chamber.
- 3.23 Additional temporary units and natural ventilation in other areas of the building will enable break out space for Members during Council and Committee meetings. This can include the Civic Hall.
- 3.20 Additionally, Asset management have reviewed the required works following the completion of updated condition surveys at both Town Halls. The survey of Wallasey Town Hall identified that whilst the building has conformed to relevant legislation, there is a backlog of maintenance to building fabric, mechanical and electrical services which need to be addressed in the short to medium term to maintain the building in a satisfactory state of repair. The estimated summary of costs identified of £8m of building, electrical and mechanical works (exc. VAT) over the next ten years. Council Asset Management Teams have reviewed this figure and confirmed the summary of works and costs but advise this would be a minimum before including

Planning Fees, Asbestos Surveys and Building Control fees. Mechanical ventilation installation will be additional costs. It is proposed that an options paper as to the future and use of the Boroughs Town Halls is discussed at a future meeting.

- 3.21 At this time there are only two options for the safe operation of Full Council meetings within the Council estate. These are at the Floral Pavilion and the Council Chamber at Wallasey Town Hall. It is proposed that temporary works are completed at the Town Hall before Phase 1 works provide a more technical and long term solution. It is recommended that a report as to the future use of Wallasey Town Hall is brought forward once the full cost of works to bring the rest of the building in line with legislation are known.

Birkenhead Town Hall

- 3.22 Members should note that similar issues exist at Birkenhead Town Hall, built in 1887 and Grade II listed. 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.
- 3.23 A conservation report detailing the ventilation issues has already been completed and works to correct ventilation defects in consort with conservation considerations has been in progress. A further technical mechanical engineers' assessment of Birkenhead Town is due imminently.
- 3.24 Birkenhead Town Hall has a good passive stack system, and this will be utilised in the ventilation assessment thus reducing any necessary mechanical proposals and supporting Council plans to mitigate climate change. The registration offices have already been assessed and partly retrofitted with appropriate and conservation approved mechanisms to enable safe use.
- 3.25 Following assessment and implementation of non-mechanical passive ventilation controls, the Council Chamber at Birkenhead Town Hall now has a capacity of between 30 to 42 persons dependent on the activity. This enables weddings to operate within this space and could support committee meetings within the stated attendance capacity and according to the risk assessment. The Chair of the Pensions Committee has cited attendance issues with temporary arrangements at the Floral, related to access and travel with the wider regional representation at this committee. It is therefore proposed that the Pensions Committee restart at Birkenhead Town Hall in the new municipal year and operate in line with the risk assessment for that venue including the observation of the maximum capacity.
- 3.26 Within the rest of the building CO2 monitors have been installed and assist some smaller rooms to operate where passive ventilation is available but further adaptations are still required. Work will continue to identify the required investment at this site.
- 3.27 Additionally, Asset management have reviewed the required works following the completion of updated condition surveys at both Town Halls. The survey of Birkenhead Town Hall identified that whilst the buildings have conformed to relevant

legislation there is a backlog of maintenance to building fabric, mechanical and electrical services which need to be addressed in the short to medium term to maintain the building in a satisfactory state of repair. The estimated summary of costs identified of £7.1m of building, electrical and mechanical works (exc. VAT) over the next ten years. Council Asset Management Teams have reviewed this figure and confirmed the summary of works and costs appear fair, but advise this would be a minimum before including Planning Fees, Asbestos Surveys and Building Control fees. Mechanical ventilation installation will be additional costs. It is proposed that an options paper as to the future and use of the Boroughs Town Halls is discussed at a future meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The operation of meetings at the Floral Pavilion does not currently have income implications but from April 2022 recharges would apply.
- 4.2 Condition Surveys for both Town Halls have set out the works required over the medium term (0-10 years), the estimated costs set out in the report are a minimum before including Planning Fees, Asbestos Surveys and Building Control fees. Mechanical ventilation installation will be a further additional cost, with Phase1 costs estimated at c.£45K. Temporary arrangements are being costed at the time of report writing but are not forecast to exceed £8K. Full costs for full ventilation solutions at both town halls will be provided in a future report.
- 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.
- 4.6 A recovery budget for the safe remobilisation of services was put in place using Covid Tranche funding. This budget will meet the cost of commissioning drawings, temporary arrangements, and Phase 1 implementation. Further solutions for investment in the buildings will require relevant approvals, including capital works.

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. The effectiveness of the new ways of working are being reviewed in line with the development of the Hybrid Working Policy.
- 6.2 Internal staff from Assets Management will be required to support the delivery of works, this will be significant and additional to the current workload.
- 6.3 Democratic & Member Services have been engaged throughout the development of arrangements and will support the return to Wallasey Town Hall.
- 6.4 Implications relating to assets are addressed in the body of the report.
- 6.5 There are no ICT implications associated with this report. Web casting facilities exist at Wallasey Town Hall Chamber and there is a flexible solution employed at Birkenhead Town Hall for Committee Meetings.

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. Risk assessments will be developed for the operation of meetings at both Town Halls and relevant risk mitigations should be actioned.

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.
- 8.2 At P&R Committee of 7th October 2021, Members discussed the pros and cons of Council and Committee meetings at the Floral and requested Officers set out the solutions and approach to restart meetings at the Council Chamber once conditions allowed.

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 Members advised that travel to the Floral Pavilion extended journey times and mileage. A return to Wallasey Town Hall would therefore reduce mileage and CO2.

10.2 Wallasey Town Hall will see increased energy use and cost through any return to meetings at this venue along with the related increase in CO2 emissions.

11.0 COMMUNITY WEALTH BUILDING

11.1 There are currently no community wealth building considerations.

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APPENDICES

N/A

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)

Council Meeting	Date
Constitution and Standards Committee	24/2/21
Policy & Resources Committee	9/6/21
Policy & Resources Committee	7/10/21