

Committee:	Date:
Policy and Resources Committee	15 November 2018
Subject: Virtual Meetings	Public
Report of: The Town Clerk, Comptroller and City Solicitor and Remembrancer	For Decision
Report author: Lorraine Brook – Town Clerk’s Department Paul Double – City Remembrancer Edward Wood – Comptroller & City Solicitor’s Department	

Summary

In January 2018, the Chairman of the Board of Governors of the City of London Freeman’s School requested that the Town Clerk, in consultation with the Chamberlain’s Department and the Comptroller & City Solicitor’s Department, explore whether the introduction of “virtual meetings” of the Board could be implemented. The Chairman, along with other members of the Board were keen for “virtual meetings” to be introduced due to the limited interest that had been shown in appointments to the Board, largely due to the time commitment caused by traveling to Ashted, Surrey for Board and Sub-Committee meetings, and the potential impact this could have on decision-making and scrutiny of the School’s activities.

Since that time, the issue of virtual access to meetings – both formal Committee meetings and informal pre-meetings or Working Group sessions – has also been raised.

This report addresses the introduction of “virtual meetings” and the proposed next steps in relation to the policy, governance and financial implications arising from the introduction of a new meeting management arrangement, specifically for the Board of Governors of the City of London Freeman’s School but also with a view to the potential implications for other Committees. It also comments more generally on the existing practice of annotating access requirements in committee papers by reference to the Local Government Act 1972 and recommends that this be changed.

Recommendation

Members are invited to -

- (a) endorse the principle of officers and Members fully participating in the discussion at meetings of the Board of Governors of the City of London Freeman’s School via video link, on a trial basis;
- (b) instruct the Chamberlain to report, in consultation with the City Surveyor, on the necessary budget allocation to enable the holding of such meetings and facilitating virtual meetings more generally; and
- (c) instruct the Town Clerk to review the way in which Committee papers are currently annotated by reference to the Local Government Act 1972 and advise this committee of the revised practice proposed taking account of the advice contained in this report.

Main Report

Background

1. In order to encourage greater participation in meetings, earlier this year the Chairman of the Board of Governors of the City of London Freemen's School requested that the Town Clerk, in consultation with the Chamberlain's Department and the Comptroller & City Solicitor's Department, explore whether the introduction of "virtual meetings" of the Board was viable. By this, we mean meetings at which not every participant is physically present at the same place, for example through the use of video conferencing facilities. The Chairman, along with other members of the Board, were keen for virtual meetings to be introduced due to improvements in technology and the limited interest that had been shown in appointments to the Board, largely due to the time commitment caused by traveling to Ashted, Surrey for formal meetings, and the potential impact this could have on decision-making and scrutiny of the School's activities.
2. Other Members have also raised queries in relation to the viability and legal position in respect of virtual meetings, with it being suggested that the introduction of suitable equipment within the Committee Rooms would also facilitate greater participation and flexibility in relation to call-overs and other informal meetings, removing the requirement for Members to necessarily always travel to Guildhall for such purposes.
3. For the avoidance of doubt, the legal and constitutional implications set out in this report relate solely to formal committee and sub-committee meetings. It should be made clear that there is no legal bar to Members participating in informal meetings such as call-overs and working parties with the aid of audio-visual equipment – there are only practical and policy considerations.

Legal and Constitutional Implications

4. For local authorities, the conduct of meetings is governed primarily by the Local Government Act 1972. Not all of these provisions apply to the City of London Corporation in its capacity as a local authority or police authority. However, those provisions that do apply, inserted by legislation passed in 1985, do not allow a Member via video link to count towards the quorum, participate in the Members' discussion, or take part in voting on the business at a meeting. The advice from leading counsel is that it is probably permissible for Members and officers to make some contribution to a local authority or police authority meeting via video link where a quorate meeting is taking place in one physical location, but this would not extend to Members remotely participating in the debate – it would be limited to, for instance, assisting with a factual matter, or dealing with a point of information.
5. Any change to this position for local authority and police authority functions would require further amendments to the legislation. The Department for Communities and Local Government recently consulted on allowing joint committees and combined authorities to hold meetings by video conference, due to advances in video conferencing facilities and the potential distances involved in such arrangements, whilst specifically stating that the current rules are still considered to be appropriate for other local authority meetings.
6. In terms of the educational sphere, schools in the public sector may make arrangements for virtual meetings under legislation specifically directed at them,

and independent schools may do so depending on the terms of their individual governing instruments.

7. Broadening the comparison out to include other regimes, guidance from the Charity Commission states that charity trustees may choose to conduct some trustee meetings by electronic means, unless the governing document specifically prohibits it, and provided that the means used allows them to both see and hear each other, for example by using video conferencing or internet video facilities. The guidance states that such meetings can be useful if an emergency decision needs to be made, if trustees live a long way from any central point or if electronic communication makes it easier for charity trustees with disabilities to participate.
8. The City of London is a common law corporation and the conduct of its business in that capacity is a matter for its own internal management. This includes the conduct of meetings and therefore meetings of the Court of Common Council and its committees. This presents an opportunity in that capacity (if Members choose to take it) to explore the use of technology at formal meetings at a faster pace than local authorities, or to go in a different direction.
9. The Board of Governors of the City of London Freeman's School is a committee of the Common Council. The City of London Corporation is the proprietor of the school and its property is held as part of the City's Estate. The costs attributable to the running of the school, so far as is not defrayed from other sources, are met from City's Cash. It is therefore clear that the Corporation is not acting in its capacity as a local authority in running the School which, like the City of London School and the City of London School for Girls, is classified as being within the Independent sector.
10. As it is clear that the Corporation does not act in its capacity as a local authority in running the City of London Freeman's School, it follows that the provisions of the Local Government Act are not in point. Nor are the statutory provisions applicable to schools in the state sector attracted. The question of whether the practice of virtual meetings should or should not be initiated is a matter for the Corporation itself to decide.
11. The analysis of this question has perhaps been confused by the existing Corporation practice of referring to the Local Government Act 1972 on the title page of all non-public committee reports when dealing with access to information rules. This practice is traceable to a decision of the Common Council when the 1985 legislation was passed to record the access rules applicable to local authorities to all Corporation functions whether local authority or non-local authority in nature. This was a decision which the Common Council was entirely entitled to make, but the prompt for doing so was the Common Council's and not as a result of a statutory imposition.
12. This provenance is not, however, apparent from the way committee papers are currently annotated. The existing practice infers that all Corporation functions are governed by the 1972 Act. The issue raised by virtual meetings points to the need to address the current practice to make clear that in relation to non-local authority functions, the rules on access are governed by the Corporation's policy decision and not imposed by the legislation applicable to local authorities.

13. The question of the way committee papers are currently annotated has arisen in the context of virtual meetings of the Board of Governors of the City of London Freeman's School but the practice is clearly relevant to the Corporation's non-local authority functions generally. Accordingly, the legal and constitutional analysis offered in this report is supported by an Opinion of the Law Officers. A copy of the Opinion can be made available to any member of the Committee on request.

Current Position

14. Several meetings have taken place with relevant officers to consider the financial, technical and governance implications. The technical equipment required to facilitate virtual meetings (between Guildhall and the Freeman's School) was sourced and tested at the Board meeting on 6 June 2018 and with the support of officers from the IS Division at both Guildhall and the School. The exercise proved that meetings could be facilitated in this manner.
15. It is apparent from the legal and constitutional position that there is no bar to the Corporation's adopting a practice of virtual meetings in respect of the Board of Governors of the City of London Freeman's School, or indeed by any other committee when the Common Council is not acting in its capacity as a local authority or police authority.
16. If Members wish to explore the introduction of virtual meetings, the proposal at this stage is to allow officers and Members to fully participate in the discussion at meetings of the Board of Governors of the City of London Freeman's School via video link, whether those meetings are taking place at the Guildhall and the individuals in question are at the School, or vice versa. It is not currently proposed to allow individuals to 'dial in' to meetings from any other location.
17. This would operate as a useful trial of the current technology and provide valuable feedback on the 'user experience' for Members, officers and the public, with a view to these arrangements being extended to other non-local authority committees or business in the future.
18. The practicalities will need to be considered very carefully, to ensure that all of those taking part in the discussion are able to see and hear one another clearly, and that where meetings are open to the public they also have the ability to clearly see and hear what is being said by the different participants in the process at each site. This trial would also assist with the subsequent development of new Standing Orders to deal with governance to enable Members to count towards the quorum and vote via video link at some point in the future, if the trial is a success.
19. The technology being trialled is intended to be fully compatible with Skype technology. Therefore, if it proves successful, Members would be able to dial in to meetings in the Committee Rooms (where permissible) using Skype-compatible devices. This equipment is similar to the existing technology currently in place in the Chairman of Policy's meeting room, but with the advantage of being fully mobile so it can be used in other locations. Three flexible units have been purchased for the trial, two of which are located at the Guildhall (with the other at the Freeman's School). This has been funded from the Chamberlain's IT budget.

20. The long-term arrangements for managing and storing the equipment will need to be considered. Given the role of the Committee Team in terms of managing meetings, the relevant officers will also need to undergo training to ensure that they can effectively use the technology at meetings.
21. Whilst the units already purchased may well meet the need for remote access to meetings at the outset it is highly likely that, should the technology prove effective and demand grow, additional units will need to be purchased. Given the likelihood for increased demand for use from Members for informal meetings (such as callovers), as well as from officers working across sites, there may also be merit in exploring the creation of dedicated “AV Meeting Rooms”, with fixed and better-quality units, to give greater provision.
22. Subject to the views of this Committee, it is therefore suggested that the Chamberlain’s Department, in consultation with the City Surveyor’s Department, undertake exploratory work in this area and present a further report outlining proposals and seeking the necessary budget allocation (in the event the CLFS trial is successful).

Corporate and Strategic Implications

23. It is anticipated that the convening of virtual Board meetings will increase Member interest in the work of the Board of Governors of the City of London Freemen’s School and the role of City Corporation Members in the work of the School. The use of technology to facilitate virtual meetings could also be beneficial for other meeting forums in relation to functions which are not undertaken by the Common Council in its capacity as a local authority.

Financial Implications

24. The initial costs of the equipment required at Guildhall and the School for the purposes of convening virtual meetings has been met from the Chamberlain’s IT budget. Any expansion of the technology requiring additional units, as well as ongoing maintenance, will be the subject of a future report assuming the trial proves successful.

Conclusion

25. It is anticipated that the introduction of participation via video link in the debate at meetings of the Board of Governors of the City of London Freemen’s School could be implemented by the end of the year. Future meetings would then be managed in this manner, with most meetings held at Guildhall. This new meeting arrangement might increase Member engagement and reduce the risk arising from a limited membership on future decision-making activities.
26. More generally, there is the potential to enable Members to count towards the quorum and vote via video link at some point in the future, if the trial is a success, through the development of revised Standing Orders. This practice could also then be applied where appropriate to other committees of the Common Council in respect of non-local authority functions. There is a related need to amend the current practice of annotating all committee papers by reference to the Local Government Act 1972 in respect of such functions.