

Review of Remote Meetings Options

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Purpose of the Report

1. To seek members instructions on whether or not to continue to hold some SSDC meetings remotely with the appropriate use of delegated powers. This decision was originally made on 15 April 2021 and was reviewed by Council on 8 July and 16 December 2021 and 16 June 2022 when it was agreed to continue the use of delegated powers to 21 July 2022.

Public Interest

2. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by members and which can be taken by officers.
3. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear in the Constitution.
4. This report is seeking a Council decision on the continuation of remote consultative meetings and associated delegation to ensure that (i) the Council's decision-making processes continue to operate in accordance with the law and in line with safe practice under the Covid-19 guidance and requirements issued by the Government from time to time while remaining transparent and (ii) the Constitution is kept up-to-date.

Recommendations

- i. that members adopt one of the options set out as B-H in paragraphs 15-21 of this report
- ii. that the option for meetings applies until 31 March 2023 unless external circumstances dictate otherwise
- iii. that should an Appointments or Appeals Committee meeting be required before 31 March 2023, it be an in person meeting.
- iv. that the Chief Executive in consultation with the Chair of Council be given delegated power to make any or all meetings remote for a period of up to 4 weeks at any time when it appears reasonably prudent to do so on public health and safety grounds or in line with national or local safe practice under the Covid19 guidance and requirements issued by the Government from time to time
- v. that officers may continue to attend meetings remotely, provided that where an officer is named as the Lead Officer for an Agenda item they must attend the meeting in person or, if attending remotely, ensure a suitable, properly briefed officer approved by the relevant SLT lead, attends in person.

Background

5. On 15 April 2021, in view of the imminent lapse of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, Council decided to:
- continue to enable members to hold remote, virtual meetings using available technology; and
 - amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution.
6. The delegated authority given on 15 April was reviewed by Council as follows:

Date	Decision
8 July 2021	delegated authority extended to 8 January 2022
16 December 2021	delegated authority extended to 21 July 2022 for all meetings other than Full Council
16 June 2022	delegated authority extended to 21 July 2022

The delegated authority given on 16 June will expire on 21 July 2022 unless Council decides to extend it.

7. When Council considered this matter in December 2021, members noted that previous decisions had been taken on the basis that although it would be physically possible to hold meetings of members in person from 7 May 2021 (the date on which the Coronavirus meetings Regulations lapsed) in compliance with social distancing rules and the Covid-19 safe use guidance, there were many reasons to suggest that it would be sensible to continue to meet remotely. Space constraints and social distancing requirements suggested that members of the public and officers would still need to attend meetings remotely and, as Council meetings have sometimes shown, hybrid arrangements can be technologically challenging. In December 2021, it was noted that the majority of the population had been vaccinated, but that new variants of Covid continued to emerge and there was some uncertainty about how long protection was effective. Council therefore decided it would be prudent for meetings other than Council itself to remain remote for a further six months with appropriate distancing safeguards (for example at a larger venue such as Westlands) and with provision for remote attendance by members who needed to safeguard.
8. Since that meeting in December 2021, Covid related restrictions in England, including the explicit requirement to consider COVID-19 in health and safety risk assessments, have been removed and replaced with guidance on living safely with COVID-19 -



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<https://www.gov.uk/coronavirus>. Meetings of Full Council now take place in the Council Chamber at Brympton Way, which has hybrid meeting and streaming technology installed.

The Law

9. Members will recall that in March 2021 the Minister of State for Regional Growth and Local Government wrote to all local authorities to announce that the opening of a call for evidence on the experience of local authorities and remote meetings to inform a decision about whether or not to promote primary legislation to allow remote and/or hybrid meetings in the future. The call for evidence closed in June 2021. The Government has since made it clear that it is in favour of local authorities having the power to hold remote meetings, but as existing legislation does not already enable local authorities to hold meetings remotely, new legislation will be required, but there has been no indication of when this might happen.
10. Although new legislation is required, it remains open to local authorities to continue to hold remote meetings but treat them as consultative bodies with decisions delegated to the Chief Executive in consultation with those members to whom the decision would otherwise have been delegated. South Somerset District Council is currently operating in this way apart from Council meetings and it remains an option moving forwards.

Options for Meetings and the Conduct of Council Business

11. For the purposes of this report:
 - (i) a **remote** meeting is one that takes place in a virtual on-line space. All remote meetings are advisory or consultative only and any vote is to confirm the view of the meeting not to make the decision on the matter(s) being considered. The decision is taken by the Chief Executive under delegated powers having taken the views voted on at the remote meeting into account. SSDC meetings apart from Full Council are remote until 21 July 2022.
 - (ii) a **hybrid** meeting is one that takes place in person and via a virtual on-line space. Hybrid meetings, provided they are quorate, make the decision (in accordance with Part 3 of the Constitution) on the matter(s) being considered. Only members attending in person can vote, but other than being unable to vote, members attending via the virtual on-line space may participate as if they were present in person.
 - (iii) an **in person** meeting is one that takes place in person only. In person meetings, provided they are quorate, make the decision (in accordance with Part 3 of the Constitution) on the matter(s) being considered. Members attending via the virtual on-line space may only participate at the express invitation of the Chair of the meeting.
12. For the purposes of the definitions set out above it has been assumed that all meetings will have a virtual on-line space and will also be streamed on YouTube. The enabling technology has only been installed in the Council Chamber at Brympton Way, so any hybrid or in person meetings would need to take place there, including Area Committees, unless an alternative venue with the required functionality is available at



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a reasonable cost within budget. An advantage of the Council Chamber is that its size allows for appropriate distancing measures should they be required.

13. A broad range of options is available to members, including:
- Fully remote meetings unless a vote by Full Council is required
 - Full Council as a hybrid meeting, all other meetings remote (the current model)
 - Full Council as a hybrid meeting, all other meetings remote with provision for the Chair of a remote meeting and/or at least [*insert number*] members able to request a hybrid meeting
 - Full Council and specified meetings* as hybrid meetings, everything else remote
 - Full Council and specified meetings* as hybrid meetings, all other meetings remote with provision for the Chair of a remote meeting and/or at least [*insert number*] members able to request a hybrid meeting
 - All meetings as hybrid meetings
 - All meetings as in person meetings

Note: the meetings which could be specified are:

Appeals Committee
Appointments Committee
Area East Committee
Area North Committee
Area South Committee
Area West Committee
Audit Committee
District Executive
Licensing Committee
Licensing Sub-Committee
Regulation Committee
Scrutiny Committee
Standards Committee

14. OPTION A - Fully remote meetings unless a vote by Full Council is required

This option is not recommended

15. OPTION B - Full Council as a hybrid meeting, all other meetings remote

This option is the current model. It is not very flexible and does not allow for meetings other than Full Council to be hybrid or in person. There are savings in terms of travel time and allowances and a reduction in carbon emission as set out in the relevant sections below. If members wish to continue with this option it is recommended that Option C as a more flexible option.

16. OPTION C - Full Council as a hybrid meeting, all other meetings remote with provision for the Chair of a remote meeting and/or at least [*insert number*] members able to request a hybrid meeting

This option has more flexibility than the current model as it allows the Chairs of remote meetings to hold hybrid meetings if required, for example where there is a lot of public interest in the outcome. The savings in terms of travel time and allowances and reduction in carbon emissions should be similar to Option B as remote meetings for everything other than Full Council should remain the norm. If this option, including a specified number of members, is chosen, the number required will need careful consideration to ensure it does not become a route to all meetings being hybrid in practice.

If an option is given to a specified number of members to request a hybrid meeting, the parameters should be carefully considered. If the option is restricted to members who sit on the meeting in question it could be linked to either the quorum for that meeting or an agreed percentage of its membership or a general number (for example 5) could be given. If the option is open to all members, the number required would need to be greater.

Thought will also need to be given to the timing of any request for a hybrid meeting, to ensure that the Democratic Services Team have sufficient time to ensure the Council Chamber is available and the public are made aware. If the reason for a hybrid meeting is the expectation that there will be a lot of public interest in an item, it may be necessary to move the meeting to Westlands, which will require additional notice.

If this option is chosen, the following points will need to be dealt with as part of the recommendation:

Is this power for the Chair **OR** for the Chair and a specified number of members?

If this power is for a specified number of members, how many?

If this power is for a specified number of members, must they be members of the meeting in question?

Recommendation (if this option is chosen): that any request for a hybrid meeting must be made in writing to the Monitoring Officer no later than 10 working days before the meeting is due to take place and, where it is anticipated that the Council Chamber may not accommodate the hybrid meeting, no later than 20 working days before the meeting is due to take place.

17. OPTION D - Full Council and specified meetings* as hybrid meetings, everything else remote

Similar to Option B, although if most meetings are specified as hybrid, Options F or G might be a better choice. Depending on the extent of meetings specified as hybrid, there would still be savings against time and travel allowances and a reduction in carbon emissions.

The following meetings could be specified as hybrid:



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Appeals Committee
Appointments Committee
Area East Committee
Area North Committee
Area South Committee
Area West Committee
Audit Committee
District Executive
Licensing Committee
Licensing Sub-Committee
Regulation Committee
Scrutiny Committee
Standards Committee

They fall into the following three broad brush categories.

Appointments Committee and Appeals Committee are a stand-alone example of Committees that rarely meet, have a single purpose and should be in person whenever possible.

The majority of the business of the Licensing Committees and Regulation Committee deals with the regulation and determination of individual applications and rights, which could be a critical factor in determining whether or not their meetings or alternatively elements of their business should be specified as hybrid. The same can be said for elements of the work of the Area Committees (when dealing with planning matters) and Standards Committee (when considering individual instances), although neither the Area Committees nor the Standards Committee deal solely with individual regulatory matters.

Audit Committee, District Executive and Scrutiny Committee all have a much broader remit covering the Council as an entity rather than in relation to individuals and elements of the work of the Area Committees and Standards Committee also have that flavour. If this option is chosen, the nature of the business of these meetings might suggest that they could continue to be held remotely without undue detriment.

Note: the Audit Committee, like Full Council, is on occasion required by law to meet in person.

Savings in terms of travel time and allowances and any reduction in carbon emissions will depend on the number of meetings specified as hybrid.

18. OPTION E - Full Council and specified meetings* as hybrid meetings, all other meetings remote with provision for the Chair of a remote meeting and/or at least [insert number] members able to request a hybrid meeting

The comments under options C and D are relevant to this option, which is more flexible than Option D. For example, it would allow members to decide that the Committees dealing with personal business should be specified, with a degree of flexibility allowed for the others.



If this option is chosen, the following points will need to be dealt with as part of the recommendation:

Is this power for the Chair **OR** for the Chair and a specified number of members?

If this power is for a specified number of members, how many?

If this power is for a specified number of members, must they be members of the meeting in question?

Recommendation (if this option is chosen): that any request for a hybrid meeting must be made in writing to the Monitoring Officer no later than 10 working days before the meeting is due to take place.

19. OPTION F - All meetings as hybrid meetings

This is the pre-Covid option of meetings in person with the addition of the option of remote attendance for members (who will not be able to vote), officers and members of the public, together with live streaming. There would be no savings in terms of travel time and allowances and no reduction in carbon emissions.

20. OPTION G - All meetings as hybrid meetings, with provision for the Chair of a hybrid meeting and/or at least [*insert number*] members able to request a remote meeting

This option is essentially the same as option F, but allows some flexibility in terms of remote meetings, for example where the agenda for a meeting might not require an in person element. The comments against Option C (other than in respect of larger venues) will apply to the practicalities of how any request for a remote meeting might work. Provision for occasional remote meetings might allow small savings in travelling time and allowances and a slight reduction in carbon emissions.

If this option is chosen, the following points will need to be dealt with as part of the recommendation:

Is this power for the Chair **OR** for the Chair and a specified number of members?

If this power is for a specified number of members, how many?

If this power is for a specified number of members, must they be members of the meeting in question?

Recommendation (if this option is chosen): that any request for a remote meeting must be made in writing to the Monitoring Officer no later than 10 working days before the meeting is due to take place.

21. OPTION H - All meetings as hybrid meetings, with provision for the Chair of specified hybrid meetings and/or at least [*insert number*] members able to request a remote meeting

This is a slightly more restrictive version of Option G and the comments under Option G above apply.

22. **OPTION I - All meetings as in person meetings**

This option is not recommended as it denies members who are unable to attend a particular meeting in person the ability to speak on matters. There will continue to be members who would previously have been “shielding” who may, depending for example on rates of infection, prefer to attend remotely for a period of time. There may be members who have a personal dispensation but are able to attend remotely. SSDC now has a large proportion of members who are also County Councillors who may not be able to attend in person due to in person commitments at County Hall earlier or later in the day.

Task and Finish Group

23. On 1 July 2022 the Scrutiny Committee held a single meeting task and finish group to consider remote and hybrid meetings. The report of the Task and Finish Group is set out in full in Appendix 1. The recommendations of the Group are as follows:

1. That Full Council, District Executive and the Scrutiny, Audit, Standards, Regulation and Licensing Committees meet in person (hybrid).
2. That Area committees meet (hybrid) in person but can be remote meetings at the Chair and Vice-Chairs’ discretion provided there are no planning applications on the agenda.
3. Everything else (for example informal meetings, briefings, T&F, training) continue to be remote meetings.

Rationale for recommendations 1 & 2:

- Better quality of debate and decision making in person
- Restore decision making powers to committees - reduce use of delegatory powers
- Body language and non-verbal communication has been missed
- Scrutiny follows DX model and should therefore be held in-person
- Hybrid model better for transparency – continue to stream all formal meetings on YouTube.

Rationale for recommendation 3:

- Time and productivity savings for both members and officers
- Accessibility – Public sector duty
- Environmental impact and SSDC’s carbon reduction commitments

24. These recommendations are covered by Option H.

Conclusion on Options

25. Options A-I are an inclusive not an exclusive list to illustrate the options available to members, but it should be noted that Options A and I are not recommended. Options B-H all have differing advantages and disadvantages and members will have different



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views on them, as is shown by the notes of the Task and Finish Group at Appendix 1 and the rationale they give for their recommendations. Members instructions are sought on which option they wish to adopt.

26. Whichever option members adopt, the following points are recommended:
- (i) that the option for meetings agreed by Council applies until 31 March 2023 unless external circumstances dictate otherwise
 - (ii) that if an Appointments or Appeals Committee meeting is required before 31 March 2023, it is an in person meeting.
 - (iii) that the Chief Executive in consultation with the Chair of Council is given delegated power to make any or all meetings remote for a period of up to 4 weeks at any time when it appears reasonably prudent to do so on public health and safety grounds or in line with national or local safe practice under the Covid19 guidance and requirements issued by the Government from time to time

Other Related Issues

Dispensations

27. Under section 85 of the Local Government Act 1972, any member who fails over a period of six consecutive months from the date of their last attendance to attend any meeting of their authority shall, unless the failure was due to a reason approved by that authority before the expiry of that period (a Dispensation), cease to be a member of that authority. Meetings include:
- (a) any Committee or Sub-Committee of the authority;
 - (b) any Joint Committee, Joint Board or other body discharging functions of the authority; and
 - (c) attendance as a representative of the authority at a meeting of an outside body.
28. At its meeting on 16 September 2021, Full Council approved a general dispensation under section 85 of the Local Government Act 1972 for any member of Council who, although not physically attending any in-person meetings over any six-month period, attended at least 75% of the meetings they would normally be expected to attend in person on-line. This dispensation lapsed on 31 January 2022 following the decision of Full Council on 16 December 2021 that meetings of Council would be in person from January 2022 onwards. This means that in the absence of an individual dispensation, any members who have not attended a Council meeting in person since 1 February 2022 will automatically cease to be members of South Somerset District Council on 1 August 2022.
29. Individual dispensations are normally approved by Full Council, with the Chief Executive having delegated authority, in the event of there not being a timely meeting of Full Council to consider the matter, to approve them provided (i) all of the Group Leaders have agreed; and (ii) any such dispensations are reported to the next meeting of Full Council.

30. A general dispensation for members who do not attend in person is **not recommended**.

Officer Attendance

31. Although Council meetings have been in person since January 2022, officer attendance, other than the Chief Executive, the Monitoring Officer and the Specialist (Democratic Services), has tended to remain on-line. Although on the whole this has not caused any particular problems, technical problems at the June meeting of Council meant that on some items the relevant officers were not available to offer advice if needed as they were attending remotely.
32. Some of the considerations applicable to member attendance in person also apply to officer attendance in person. However, SSDC has an agile working culture which can mean that unlike members, officers do not live in or near South Somerset. This has to be weighed against the need to ensure that members can be certain of having appropriate advice available and to hand when they are taking decisions. This can be achieved by allowing officers to continue to attend remotely provided that the author of each report on the Agenda or a suitable, properly briefed alternate approved by the relevant SLT lead, attends in person. Where an alternate is approved, the normal expectation will be that the report author also attends.

Recommended: that officers may continue to attend meetings remotely, provided that where an officer is named as the Lead Officer for an Agenda item they must attend the meeting in person or, if attending remotely, ensure a suitable, properly briefed alternate approved by the relevant SLT lead, attends in person.

Financial Implications

33. There have been budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month. There may be additional costs associated with hybrid meetings as public in person access to the Council Chamber will need to be provided and Brympton Way is currently card access only.

Legal implications (if any) and details of Statutory Powers

34. These have been covered elsewhere in the report.

Council Plan Implications

35. There are no specific Council Plan implications arising from this report.

Carbon Emissions and Climate Change Implications

36. The use of Zoom software to hold remote meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district. This will vary in future depending on the option chosen and is one of the factors for members to consider in determining which of the options is best for South Somerset District Council.

Equality and Diversity Implications

37. There are no specific equality or diversity implications arising from the subject matter of this report, as option I is not recommended.

Privacy Impact Assessment

38. No privacy impact assessment implications have been identified as a result of this report.

Background Papers

- Council Constitution - Part 3
- Agenda and minutes of Council meetings – 19 March 2020, August 2020, 15 April 2021, 08 July 2021, 16 December 2021, 16 June 2022

Scrutiny and Overview

Task and Finish: Remote Meeting Protocol July 2022

1st July 2022 10:30am – A virtual meeting via Microsoft Teams

Members attending:

Gerard Tucker – Chairman
Cllr Sue Osborne
Cllr Brian Hamilton
Cllr Robin Pailthorpe
Cllr Tim Kerley

Apologies were received by Cllr Paul Maxwell, Cllr Mike Lewis and Cllr Oliver Patrick

Officers attending:

Jill Byron – District Solicitor and Monitoring Officer
Stephanie Gold – Specialist Scrutiny and Member Development
Angela Cox – Specialist Democratic Services
Becky Sanders – Case Officer Democratic Services

Summary:

Members of the Scrutiny Committee were invited to meet informally on 1st July 2022 to conduct a task and finish workshop to consider the options for in-person and/or remote meetings for the remainder of the year 22/23. The findings will form part of the Monitoring Officer's report to Full Council on 21st July 2022.

As part of the analysis members reviewed:

- Options from the monitoring officer (appendix A)
- Officer feedback (appendix B)

Task and Finish Observations:

The following points were discussed by members:

- Voting and democratic decision making at formal meetings
- Conversations with colleagues/interpersonal interaction at formal meetings
- Need for planning decisions to be in-person
- Some decisions can be done better virtually i.e. grant applications
- Hybrid Technology not always reliable which causes problems for participants and impacts transparency for public
- How has attendance at council meetings been impacted by use of remote meetings?

- How much have we saved as council by not meeting in person?
- Scrutiny and Audit more focussed in person, virtual can be distracting
- Scrutiny follows DX model.
- Savings approx. £1000 per month in travel expenses for members
- Environmental impacts and SSDC's climate emergency commitments

During the discussion the following questions were put to members: -

Officer attendance at formal meetings:

Should there be the same expectations for officers?

- No comments were made about officer attendance at meetings

Attendance requirements:

Now that Full Council is in person, should the general dispensation for remote attendance be removed?

- All members agreed that it should be removed.

One member who was unable to attend the meeting submitted the following comments by email: -

having read the document "Options for remote meetings" there could be a case for hybrid meetings if

a) the technology is available and works. The evidence to date is that it is still in its infancy e.g. the last Full Council meeting where it did not work.

b) All meetings, including Areas were deemed to be "formal" where decisions are made using the democratic process of member participation.

It would appear that to make all meetings formal then we need to return to everything in person for the next 10 months, just as parish and town councils have been doing for some months.

Obviously there is the matter of carbon footprint for face to face meetings, but the democratic process is in my view the key to our decision making in SSDC.

Task and Finish recommendations:

1. Full Council in person, District Executive in person, Scrutiny in person, Audit, Standards, Regulation and Licensing Committees in person.
2. Area committee meetings to be held in person but can be called as a virtual meeting at the Chair and vice chairs discretion provided there are no planning applications on the agenda.
3. Everything else (informal meetings, briefings, T&F, training etc...) continue to be virtual.

Note: "in person" means hybrid, but only those in the room can vote.



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Rationale for recommendations 1 & 2:

- Better quality of debate and decision making in person
- Restore decision making powers to committees - reduce use of delegatory powers
- Body language and non-verbal communication has been missed
- Scrutiny follows DX model and should therefore be held in-person
- Hybrid model better for transparency – continue to stream all formal meetings on Youtube.

Rationale for recommendation 3:

- Time and productivity savings for both members and officers
- Accessibility – Public sector duty
- Environmental impact and SSSDC's carbon reduction commitments

Kind Regards

Cllr Gerard Tucker

Chairman of Scrutiny and Overview Committee

Task and Finish Group Appendix A

Options for remote meetings

- Continue as we are, with Full Council in person, everything else on line
- Full Council in person, everything else on line with Chairs and/or at least [*insert number - 5? One third of the membership? The quorate number?*] members able to call in person meetings if needed
- Full Council in person, District Executive in person, everything else on line
- Full Council in person, District Executive in person, everything else on line with Chairs and/or at least [*insert number - 5? One third of the membership? The quorate number?*] members able to call in person meetings if needed
- Full Council in person, District Executive in person, Scrutiny in person, everything else on line with Chairs and/or at least [*insert number - 5? One third of the membership? The quorate number?*] members able to call in person meetings if needed
- Full Council in person, District Executive in person, Scrutiny in person, one or more of Audit, Standards, Regulation and Licensing Committees in person, with Chairs of anything not in person and/or at least [*insert number - 5? One third of the membership? The quorate number?*] members able to call in person meetings if needed. Area meetings remain online but can be called in-person as above if needed/ at chairs/vice chairs discretion?
- Everything in person

Note: “in person” means hybrid, but only those in the room can vote.

Scrutiny is linked to the Executive model, so there is an argument that it should be similar to District Executive (reflected in the options above)

Other points to consider:

Area Committees – are there issues with Area West and Area East being hybrid as they are not normally held in Brympton Way?

Attendance requirements – now that Full Council is in person, should the general dispensation for remote attendance be removed?

23 June 2022

Task and Finish Group Appendix B

Officer comments raised during the discussion

- Officers find hosting meetings online to be straightforward (no additional burden)
- Public attendance at meetings is higher with remote meetings
- IT issues at Brympton Way Council Chamber have now been resolved
- More public interest and participation at formal meetings
- In person with hybrid can only take place from Brympton Way, as the Council does not have mobile technology (although other venues are being explored including the Guildhall in Chard).
- Hybrid confusion – voting rights and attendance requirements
- Query why Scrutiny and Audit should be in person when they are non-decision making committees (except for some Audit meetings where sign off is required)
- Query how the option for 5 member call in for in person meetings might work – committee agendas are on very tight time scales and realistically this might be difficult to achieve.