

## REMOTE MEETINGS – BRIEFING NOTE

On 28 April 2021 the application to the High Court made by ADSO, LLG and Hertfordshire County Council in relation to virtual meeting provision for local authorities was dismissed.

The court concluded that:

*"... the Secretary of State was correct in November 2016 and July 2019 to say that primary legislation would be required to allow local authority "meetings" under the 1972 Act to take place remotely. In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being "present" at such a meeting involves physical presence at that location. We recognise that there are powerful arguments in favour of permitting remote meetings. But, as the consultation documents show, there are also arguments against doing so. The decision whether to permit some or all local authority meetings to be conducted remotely, and if so, how, and subject to what safeguards, involves difficult policy choices on which there is likely to be a range of competing views. These choices have been made legislatively for Scotland by the Scottish Parliament and for Wales by the Senedd. In England, they are for Parliament, not the courts".*

The last date that local authorities are able to meet remotely is 6 May 2021.

In addition to not extending the date that councils can meet remotely, the Government has also not extended the deadline by which parish/town councils must meet to approve the Annual Governance & Accountability Return (AGAR) for the preceding financial year.

Last year, local councils had until 31 August and RTC approved its AGAR remotely on 24.8.20. This year, the deadline is the usual 30 June.

Because the Government's remote meetings consultation does not end until 16 June it is highly unlikely that remote meetings will be permitted, by law, before 30 June – which means that RTC must hold a face-to-face meeting by then.

To facilitate this, the Tilling Green Community Centre has been booked for 28 June.

Current NALC advice is to conduct as much important business as possible, remotely, before 7 May.

After 6 May, councils have the option of minimising the need to hold meetings by delegating decision-making to the Clerk (which RTC did last year from April-late August).

Where a council is considering holding a face-to-face meeting (or has no choice in the matter) NALC recommends *currently* that:

- The number of meetings should be kept to a minimum and restricted to essential business.
- Meetings should be as short as possible.
- The prevailing mitigation measures should be in place – distancing, face coverings, sanitiser, one-way systems etc
- Venues need to be large enough to accommodate distancing.
- The number of attendees may need to be managed (although any number of members of the public could try and attend, it would be lawful to turn some away if the meeting would, otherwise, be considered unsafe).

Another potential mitigating consideration is the fact that a meeting needs only to be quorate to make lawful decisions. In the case of a RTC Council meeting this would be 6 Members. The AGAR meeting is ‘fairly routine’ and, unless other (potentially more interesting) business was added it is unlikely to attract (m)any members of the public.

It is worth noting also that there is nothing to stop non Council/Committee meetings continuing to be held remotely (because the public has no legal right to attend) – nor Council Members meeting informally (without the ability to make legally-binding decisions).

Although it is not possible to say for certain when ‘normal meetings service will be resumed’ (most scientists appear to consider that there will be a ‘third wave’ of some kind at some point this year) there is some merit in using the Government’s vaccination plans as a guide.

The Government is aiming to offer all adults a first dose by 31 July. Given that it takes 2-3 weeks for an appreciable number of antibodies to build up, this would suggest that, to be fair to everybody (Members, staff, public), the earliest RTC should be considering reinstating routine face-to-face Council/Committee meetings is September 2021.

The Draft Timetable of Meetings (2021-22) provides for just one ‘compulsory’ Council meeting between 5 May and 5 September. In the same period there are 6 scheduled Planning & Townscape meetings.

**RECOMMENDATION That decision making be devolved to the Clerk from 5 May 2021 – with a view to reinstating face-to-face Council and Committee meetings on 5 September 2021 (whilst not preventing such meetings being held remotely during this period – legislation permitting).**