

The Holding of Virtual Meetings

History and Current Position

- Local Government Act 1972 requires “meetings” to be held in person
- Regulations introduced in April 2020 allowed flexibility in order to ensure safety of participants.
- Regulations expired in May 2021
- High Court confirmed in April 2021 that virtual formal meetings were not possible under current legislation
- The results of a call for evidence issued by the government have not been released yet

History and Current Position

- The Omicron variant has resulted in renewed calls for virtual formal meetings to be allowed
- Primary legislation would be required to be issued by the government to allow virtual formal meetings.
- Latest messages from government is that this will not happen.
- Informal meetings/workshops/consultation meetings can still take place virtually.

Experience of Virtual meetings

- Advantages of virtual meetings can be greater involvement by public, attendance by press and greater involvement by councillors.
- Our experience was that more councillors attended but it would be difficult to evidence a substantial increase in attendance by public.
- Virtual meetings not publicised particularly.

Possible Solution

- Current Committees are treated as Consultative Committees which meet virtually and make recommendations.
- Decisions are then taken by officers after taking account of the views of the Consultative Committee.
- More extensive delegated powers given to officers to enact this arrangement.
- Wouldn't apply to decisions that have to be taken by Full Council or a Committee and officers and members would have the discretion to call a physical committee.

Advantages

- All members of the Consultative Committee are involved equally in the decision making.
- Allows for members to meet virtually as before
- Public will be able to attend the Consultative Committee and have input where appropriate/allowed.

Potential Risks/Issues

- Perception of too much decision making power being handed to officers. This can be mitigated by keeping the arrangement under review and viewing it as temporary.
- Officer decision is different to recommendation from Consultative Committee because of difference of opinion. This could happen but is likely to be rare and where it is likely to happen, consultation with Group Leaders can take place on action.

Potential Risks/Issues

- Officer decision is different to recommendation from Consultative Committee because of a change in circumstances. New information could arise in the time between the virtual meeting and the decision. Likely to be rare but can be mitigated by speedy officer decision.
- Legal Challenge on the basis that officer decision is just a “rubber stamping” exercise. Can be mitigated by being clear that the decision making power rests with officers.

Potential Risks/Issues

- Legal Challenge on basis that officer does not have the facts. Can be mitigated by officer being present at the virtual meeting or reviewing it afterwards.
- Members are excluded as a result of 6 month rule. There is an argument that a member cannot be excluded for failing to attend a meeting if meetings have not been held. In any event a dispensation can be granted for all members as long as they have attended a Consultative Committee.

Recommendations

- To delegate to the specified officers as set out in 2.1 and 2.2 of the report.
- To review the arrangements at Annual Council 2022, and
- To grant a dispensation to all Councillors under s85 of the Local Government Act 1972 permitting a period of absence from attending a formal committee until the conclusion of Annual Council 2022 SUBJECT TO the attendance by the Councillor at either a physical meeting of the Council or a virtual meeting of a Consultative Committee or Council within a rolling period of 6 months from the date of the Councillor's last attendance at such a meeting