

## **Item 10 – Contingency options**

### **Update & Revised recommendations;**

The application to the High Court made by ADSO, LLG and Hertfordshire County Council in relation to virtual meeting provision for local authorities has been 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 LLG are now working to obtain specific legislative provision for virtual meetings at the earliest opportunity.

In the light of the high court declaration that virtual meetings are not formal meetings of councillors the revised recommendations are.

#### **The Council is asked to;**

- 1.1 Determine to hold Council, Cabinet & all Committee meetings (including scrutiny) in accordance with Appendix A until further review by Council.
- 1.2 Authorise the Monitoring Officer to make all necessary amendments to the Constitution to effect the arrangements to hold all meetings in accordance with Appendix A.
- 1.3 Agree that these measures will automatically terminate on the coming into force of any regulations which permit remote attendance at meetings of the Council.
- 1.4 Agree that all members unable to attend a council meeting for a period greater than six months receive a dispensation further to section 85(1) of the Local Government Act 1972 to 7 November 2021.