

Municipal Journal – 15 April 2021

The case for remote meetings to continue

By [John Austin](#) and [Quentin Baker](#) | 15 April 2021

The Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG) plus Hertfordshire CC are in the High Court next week to argue the case for remote meetings to continue beyond 6th May. Why did we feel it necessary to take legal action and why are we so keen for remote meetings to continue? These are questions we have asked ourselves a number of times we can assure you.

We are taking the legal action because the Government advised that they could not find space within the Parliamentary timetable to change primary legislation to allow remote meetings beyond 6 May this year. This was despite being approached by the Local Government Association in October last year (supported by ADSO, LLG and others) pointing out that the deadline for the cessation of the current regulations was rapidly approaching.

Following the Government's response, we decided that we had to protect the interests of local government and of those members and officers within it. We are arguing that it doesn't require a change in the law. The Local Government Act 1972 in relation to the 'place' of a meeting and members being 'present' (when applied to the modern digital age) in our view permits meetings to take place virtually. That is the focus of our case to the High Court next week. We are confident that we have a strong argument. So much so that the secretary of state Robert Jenrick has at the 11th hour expressed support for our claim.

We do not feel that it is safe or necessary to return to physical meetings at the present time. We are still in lockdown, albeit that restrictions are gradually being relaxed. Larger councils could have over 100 people congregating in the one room. We struggle to see how that is in keeping with the current rules and guidance on gatherings indoors. Leaving aside the debate as to whether

councillors attending meetings constitutes ‘work’ in the context of the guidance, physical attendance at this time cannot be deemed ‘necessary’ whilst remote meetings are an option. They have worked well so why not continue them until it is at least safe to return to the town halls?

We are not advocating that remote meetings replace physical meetings outright. There is still very much a place for face-to-face meetings, and they are particularly suited for example to full council meetings. We also understand the wish for councillors to get back into council chambers and meeting rooms. We support that wish. What we are asking for is flexibility for councils to choose when to have remote meetings and when to meet in person once it is safe to do so.

Councils are facing the immediate problem of their annual meetings in May. Those fortunate enough to not have elections this year have had the option of bringing these meetings forward to before 6th May. Those not so fortunate are faced with a number of different options including:

- a. Finding larger alternative premises where the meeting can be conducted safely – where such facilities are available this involves increase cost through hire charges, audio-visual technology and the renting of tables and chairs etc.
- b. Using existing premises and reducing the number of members who can attend – leaving some councillors (newly elected in some cases) deprived of their right to attend their own annual meeting.
- c. Reducing the number of meetings to a minimum and increasing delegation to officers – again impacting on members’ roles in the democratic process.

Hopefully the Government’s roadmap will lead us to some sort of normality as we head towards the summer and councillors can return to their meeting rooms. Remote meetings will still however have a place. They have positive environmental benefits with a reduction in travel to and from venues and therefore in the carbon footprint. They are more time efficient and improve access to meetings for the less mobile plus others who find it difficult to travel to the town halls. The public find them convenient and have responded with increased attendances throughout many authorities. And finally, a number of councils have reported significant savings in travel expenses – some as much as £60,000 in 2020/21.

We accept there are risks with remote meetings – technology failures and the loss of connectivity the most obvious – causing a small number of meetings

to be adjourned. But there are risks with any meeting. We have experienced physical meetings being adjourned because of bomb threats, power cuts and public disturbance. Councils have done a great job in learning from experience, anticipating risks, and mitigating against them. Councillors and officers deserve a great deal of credit in maintaining the democratic process under such challenging circumstances. Once again, local government has delivered.

So please wish us luck in the High Court next week.

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