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**THE FUTURE OF REMOTE MEETINGS**

Committee: Council

Date: 29 April 2021

Author: Chief Executive

[W4]

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1.0 **ISSUE**

1.1 The future of remote meetings for East Cambridgeshire District Council and Committees.

2.0 **RECOMMENDATIONS**

2.1 Members are requested to:

- (i) invite the Chief Executive to verbally update Members on the current status of the High Court proceedings in relation to remote meetings;
- (ii) in the event of the High Court challenge being dismissed, that the Council agree Option 1 be implemented for Council and all Committees;
- (iii) authorise the Monitoring Officer to make necessary amendments to the Constitution to implement the Council's resolution;
- (iv) review these arrangements by September 2021.

3.0 **BACKGROUND**

3.1 In response to the coronavirus pandemic the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were brought into force in April 2020 to enable local authorities to meet virtually, rather than members having to be physically present in a specified location. The regulations also removed the requirement for local authorities to hold an annual meeting.

3.2 These regulations cease to be effective on 6 May 2021, therefore all meetings held on or after 7 May 2021 must comply with previous legislation – i.e. they must be held in person. Any extension to the 2020 regulations would require further primary legislation, which has been ruled out by the Minister of State for Regional Growth and Local Government in his letter to Council Leaders on 25 March 2021 on the basis of insufficient capacity in the Government's legislative programme.

3.3 The Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG) along with Hertfordshire County Council have lodged proceedings with the High Court to obtain a court declaration which would confirm the ability of Councils to hold virtual meetings under the existing provisions of the 1972 Local Government Act (on the basis that this legislation doesn't define the location of the

meeting as a physical place). This action has been accepted as urgent but it is not guaranteed that the ruling will support the argument or be given before 7 May 2021. The Chief Executive will verbally update Council on the status of the High Court challenge.

#### 4.0 OPTIONS/ARGUMENT

4.1 There remains a strong case for the retention of remote meetings in the current COVID 19 environment given the restrictions in relation to social distancing and indoor mixing.

4.2 If Council are minded to continue some or all aspects of remote meetings in the absence of further primary legislation and/or positive resolution of the High Court challenge, there are three options available to be considered, specifically:

1. All decisions requiring action (other than noting) would be taken by the Chief Executive in consultation with Members, specifically through indicative remote voting. There would be two exceptions to this proposal. First, where a decision relates to either East Cambs Trading Company or East Cambs Street Scene, such a decision will be taken by the Monitoring Officer in consultation with the relevant committee. Second, where decisions would normally fall within the terms of reference of the Planning and Licensing Committees, such decisions will be taken by the Planning Manager in consultation with Members of the Planning Committee and the Senior Licensing Officer in consultation with Members of the Licensing Committee respectively.

2. Restore face to face member meetings (with appropriate COVID 19 mitigation measures) but with remote public participation and attendance.

3. Cancellation of Council and Committees with full delegation to the Chief Executive.

4.3 Option 1 is recommended for approval if the High Court challenge is unsuccessful. Option 2 does not address the practical difficulties of re-establishing face to face meetings and the costs involved in improving the audio and visual specification of the Council Chamber. Option 3 does not provide elected members accountability of the decisions made by officers.

4.4 If Members are minded to approve Option 1, changes to the Constitution will be necessary to facilitate the proposed arrangements.

#### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no additional financial implications arising from Option 1. The cost of implementing Option 2 relate to improvement of audio and visual equipment in the Council Chamber to enable remote public participation. The cost of this is not currently known.

5.2 Equality Impact Assessment (INRA) is not required at this stage.

6.0 APPENDICES

None.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Letter to Leaders from Minister of State – 25 March 2021	Room 103 The Grange Ely	John Hill Chief Executive (01353) 616271 E-mail: john.hill@eastcambs.gov.uk