

## John Tonks

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**From:** Anne Bott <anne.bott@surreyalc.co.uk>  
**Sent:** 10 August 2022 13:46  
**To:** John Tonks  
**Subject:** RE: Do virtual / remote meetings qualify as attending a meeting representing the authority?

John

Below is the last email I can find...

I thought it was more a confirmation of your views. I did however restate that sub committees appointed by Council Committees are subject to the same rules of member attendance as Council and Committees. That there may be some confusion with terminology and sub committees are often interchangeable with the term 'Working Groups'. The rules are different when applied to Working Groups.

I have recently written to your clerk re outside enquiries both NALC and Surrey ALC f have received regarding members 'lawful attendance' and asked if possible to let me know APC's continued stance on this matter which would be material to our response.

If you feel I have not fully responded to all your requests please do let me know.

Kind Regards

anne

Anne Bott  
Chief Executive Office  
07515 892443



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**From:** John Tonks <[john.tonks@ashpcsurrey.gov.uk](mailto:john.tonks@ashpcsurrey.gov.uk)>  
**Sent:** 23 July 2022 11:01  
**To:** Anne Bott <[anne.bott@surreyalc.co.uk](mailto:anne.bott@surreyalc.co.uk)>  
**Subject:** RE: Do virtual / remote meetings qualify as attending a meeting representing the authority?

Many thanks again Anne and for the swift reply and so late in your personal time. I note your reference to Schedule 12, which I am aware of, but I understand your view on the date of the document that that you agree that it's not specifically written in the LGA, hence the confusion.

In regards subcommittee meetings, which I understand to be non-statutory, my understanding that these qualify as attendance too?

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Kind Regards  
John

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**From:** Anne Bott <[anne.bott@surreyalc.co.uk](mailto:anne.bott@surreyalc.co.uk)>

**Sent:** 21 July 2022 22:55

**To:** John Tonks <[john.tonks@ashpcsurrey.gov.uk](mailto:john.tonks@ashpcsurrey.gov.uk)>

**Subject:** RE: Do virtual / remote meetings qualify as attending a meeting representing the authority?

Dear John

**In respect of any Committee Meetings held via Microsoft Teams after 6<sup>th</sup> May 2021, these would be considered to have been held unlawfully as there is no power to hold statutory Meetings virtually post this date. Any decisions could be subject to legal challenge.**

**It therefore follows that attending these Meetings would not count as attendance.**

The Local Government Act 1972 paragraph 12 covers the rules relating to statutory meetings. Given that remote/virtual meetings would not have been possible in 1972 it is clearly the intention of the legislation that reference to attendance means face to face in a Meeting Room.

Further, if the interpretation was wider the Government would not have needed to include in its Coronavirus legislation provision for the ability to hold meetings virtually ie Microsoft Team, Zoom. This enabled Councils to fulfil their statutory responsibilities when the pandemic prevented people meeting face to face. This ceased on the 6<sup>th</sup> May 2021 when the Government lifted restrictions on public meetings.

Also, the National Association of Local Councils/Local Government Association and other bodies have been robustly campaigning over the last year for the Government to introduce legislation to allow for hybrid meetings ie ability to meet face to face and via MT/Zoom etc. Further there is now case law which affirms the fact that councils cannot hold statutory meetings virtually. There would not have been a need for either if the right existed already.

Kind Regards

anne

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**From:** John Tonks <[john.tonks@ashpcsurrey.gov.uk](mailto:john.tonks@ashpcsurrey.gov.uk)>

**Sent:** 21 July 2022 16:34

**To:** Anne Bott <[anne.bott@surreyalc.co.uk](mailto:anne.bott@surreyalc.co.uk)>

**Subject:** RE: Do virtual / remote meetings qualify as attending a meeting representing the authority?

Dear Anne, many thanks for your reply. Just for clarity the counsellors in question have attended committee meetings within the required time. The meetings were held by Ash Parish Council via Microsoft Teams, with a public link. Specifically in relation to the 2<sup>nd</sup> paragraph of my email, please could you confirm in which section of the Local Government Act it requires Parish Council Committee meetings to be held "in person"?

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Kind Regards  
John

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**From:** Anne Bott <[anne.bott@surreyalc.co.uk](mailto:anne.bott@surreyalc.co.uk)>

**Sent:** 20 July 2022 21:00

**To:** John Tonks <[john.tonks@ashpcsurrey.gov.uk](mailto:john.tonks@ashpcsurrey.gov.uk)>

**Subject:** FW: Do virtual / remote meetings qualify as attending a meeting representing the authority?

Dear Councillor Tonks

My sincere apologies for the delay in replying. I recall responding early in July but unfortunately it has disappeared into the ether!.

Please see NALC advice below.

A councillor will be disqualified if within 6 consecutive months they have not attended in person a formal Meeting of the Council, Committees, sub committees or any approved business of the Council, unless within the 6 months they have submitted apologies for absence WITH REASON which has been approved by the Council etc. In those circumstances the 6 months period will restart from the approved absence. There must be a reason and it will not suffice to simply 'note'.

I do wonder if the confusion initially arose because of reference to sub committees and working groups which are often used interchangeably. Working Groups are informal meetings of councillors and can be held remotely. They do not make decisions or incur expenditure. Sub Committees fall within the same legal requirements as Councils and Committees.

I hope this helps but please contact me if you want to discuss further.

Kind Regards

anne

Anne Bott  
Chief Executive  
07515 892443



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**From:** John Tonks <[john.tonks@ashpcsurrey.gov.uk](mailto:john.tonks@ashpcsurrey.gov.uk)>

**Sent:** 30 June 2022 10:41

**To:** Surrey ALC <[admin@surreyalc.co.uk](mailto:admin@surreyalc.co.uk)>

**Subject:** Do virtual / remote meetings qualify as attending a meeting representing the authority?

Dear Sir / Madam

I am writing to out with a question I hope you are able comment on. Our Parish Council is operating a mode of hybrid meetings, whereby decision-making meetings (e.g. Full Council) are held in person at the council office. However, our committee meetings continue to be held virtually with free public access. This is in line with our understanding of government guidance that decision making meetings must return to physical 'in person' meetings, whereas sub-committees may remain as virtual with minutes being agreed at Full Council meetings.

Due to their personal circumstances, we now have members of the Council who have not "physically" attended an in-person meeting within the past 6 months, but have "remotely" attended a virtual meetings. I have been asked to refer this question to the National Association of Local Councils (NALC) via our county association to assess whether this means that the council members who have not attended physically but have remotely within the past 6 should be disqualified. Specifically, my understanding of the question is specifically whether the virtual meetings qualify as attending a meeting representing the authority or a meeting held by the authority (Ash Parish Council). This is because if a council member has failed to attend a meeting representing the authority or a meeting held by the authority within the past 6 months, they should be considered for disqualification.

I am grateful for any clarifications you can offer and look forward to your reply.

Yours Faithfully

**Cllr John Tonks**

Vice Chairman Ash Parish Council

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