

John Tonks

From: Anne Bott <anne.bott@surreyalc.co.uk>
Sent: 10 August 2022 11:23
To: John Tonks
Subject: Re: Do virtual / remote meetings qualify as attending a meeting representing the authority?

Dear John

I am out all day.

Is below the response you are waiting for?

'The Local Government Act 1972 covers the rules and procedures relating to statutory meetings.'

'Given that remote meetings would not have been possible in 1972 it is clearly the intention of the legislation that attendance means 'in person'.'

Further if the interpretation was wider the Government would not have needed to include in its Coronavirus legislation a provision permitting remote/ virtual Meetings. This provision giving Councils flexibility ceased on the 6th May 2021'.

'Nor for that matter would the National Association/ Local Government Association and other bodies have been robustly campaigning over the last year for a change to the legislation to permit hybrid/ virtual meetings' .

'The statutory Committee Meetings you mention are caught by the legislation. So I am not clear why you have concluded that the Meetings were lawful as you say they were conducted remotely ie not in a room where members attended in person'

I will check emails when I get home this evening.

Kind Regards
Anne

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From: John Tonks <john.tonks@ashpcsurrey.gov.uk>
Sent: Thursday, July 21, 2022 4:33:40 PM
To: Anne Bott <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 2nd 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

From: Anne Bott <anne.bott@surreyalc.co.uk>

Sent: 20 July 2022 21:00

To: John Tonks <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

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From: Surrey ALC <admin@surreyalc.co.uk>

Sent: 30 June 2022 12:13

To: Anne Bott <anne.bott@surreyalc.co.uk>

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

From: John Tonks <john.tonks@ashpcsurrey.gov.uk>

Sent: 30 June 2022 10:41

To: Surrey ALC <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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