

For Publication

Bedfordshire Fire and Rescue Authority
29 April 2021

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SUBJECT: VIRTUAL MEETINGS AFTER 6 MAY 2021

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Background Papers:

Implications (tick ✓):

LEGAL		FINANCIAL	
HUMAN RESOURCES		EQUALITY IMPACT	
ENVIRONMENTAL		POLICY	
CORPORATE RISK	Known	OTHER (please specify)	
	New		

Any implications affecting this report are noted at the end of the report.

PURPOSE:

To receive an update on virtual meetings after 6 May 2021.

RECOMMENDATION:

That Members note the content of the report and consider any further developments if the outcome of the High Court case is known by 29 April 2021.

The Future of Virtual Meetings

1. At the outset of the Pandemic in April 2020 the Government introduced the concept of virtual meetings for local authorities. Remote attendance at local authority meetings was specifically authorised by regulations made under the Coronavirus Act 2020 and came into force on 4 April 2020. They applied to meetings held before 7 May 2021.
2. The Regulations are about to expire and the Government has made no provision to extend them or to introduce any alternative measures.
3. On 25 March 2021 Luke Hall MP, a Minister of State in MHLG, wrote to the leaders of all local authorities explaining why the Government had decided not to extend the Regulations. In short, the Government took the view that an extension required primary legislation and it was not persuaded that priority could be given to this issue over other legislation. This decision was influenced by the success of the vaccination programme and the roadmap for lifting Covid-19 restrictions.
4. The effect of the Government's decision is that all meetings held before 7 May 2021 can be held remotely but any meetings held after that date will be held in accordance with the previous rules set out in the Local Government Act 1972. The Government's roadmap proposes that indoor meetings will be permitted from 17 May and in his letter Luke Hall suggests that local authorities (including FRAs) may consider that they can revert to actual meetings from that date.

How does this affect BFRA?

5. The next meeting of the FRA is due to take place on 29 April 2021. This meeting can go ahead remotely because the regulations permitting remote attendance will apply on that date.
6. A meeting of the Executive Committee is due to take place on 11 May 2021. The regulations will no longer apply on 11 May 2021 and thus, subject to the legal action described below, Members may need to meet in person in order to conduct any business.

7. The FRA's Annual Meeting is due to take place on 27 May 2021 by when the Government's roadmap envisages that it will be possible to hold meetings indoors, so the presumption is that the Annual Meeting will need to take place with FRA members present in the meeting room.

High Court Declaration

8. There is an additional complication to take into account. Lawyers in Local Government, the Association of Democratic Services Officers and Hertfordshire County Council have applied to the High Court for a declaration that local authorities are permitted to hold remote meetings under the relevant provisions in the Local Government Act 1972. They argue, in effect, that in this respect the Coronavirus Regulations were unnecessary.
9. The issue is further complicated by the fact that Robert Jenrick MP, the Communities Secretary, has announced that the Government supports the argument that virtual meetings are permitted under the Local Government Act 1972.
10. The High Court case has been listed for hearing on 21 April 2021. However, we cannot be sure that the Court will issue a declaration on that date. The decision may be reserved to give time for the Judge to consider the matter.
11. In summary, the future of virtual meetings is uncertain at the moment and this applies to any meetings that the Authority proposes to hold after 6 May 2021. The outcome of the High Court case (if known) and any other developments will be reported to the Authority's meeting on 29 April 2021.

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