

## Committee: Annual Council

**Date: 21 April 2021**

Wards: N/A

### **Subject: Revised Calendar of meetings 2021/22**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Tobin Byers, Cabinet Member for Finance

Contact officer: Louise Fleming, Democratic Services

#### **Recommendations:**

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1. That in the event that it is not legally possible to hold virtual meetings provisions beyond 7 May 2021, the revised Calendar of meetings for the 2021/22 municipal year, with the addition of an extraordinary Standards and General Purposes Committee on 28 June 2021, attached at Appendix A, be agreed.
  2. That in the event that it is legally possible to hold virtual meetings beyond 7 May 2021, the Calendar of meetings for the 2021/22 municipal year, previously agreed by the Council with the addition of a Sustainable Communities Overview and Scrutiny Panel on 24 May and an extraordinary Standards and General Purposes Committee on 28 June 2021, attached at Appendix B, be agreed.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The calendar of meetings for 2021/22 was agreed by the Council at its meeting on 3 February 2021.
- 1.2. The current regulations permitting virtual meetings end on 6 May 2021 and the Government has decided not to legislate to extend this provision. Therefore, with effect from 7 May, all meetings of the Council must return to meeting in person prior to vulnerable staff or members being fully vaccinated, or lockdown being fully lifted. Although the High Court is due to consider a challenge to this decision on 21 April 2021, the judgement will not be known immediately. In light of this, the extraordinary Council meeting on 13 April 2021 resolved that a revised calendar of meetings be reported to the annual meeting.
- 1.3. The revised calendar of meetings attached at Appendix A sets out revised dates for the following meetings, which were due to meet between 6 May and 21 June as set out below:

Meeting	Original date	New date
Licensing Committee	<i>Tues 8 June 7.15pm</i>	<i>Tues 6 July 7.15pm</i>
Borough Plan Advisory Committee	<i>Thurs 10 June 7.15pm</i>	<i>Thurs 1 July 7.15pm</i>
Cabinet	<i>Mon 14 June 7.15pm</i>	<i>Tues 22 June 7.15pm</i>

Planning Committee	<i>Thurs 17 June 7.15pm</i>	<i>Tues 29 June 7.15pm</i>
Health and Wellbeing Board	<i>Tues 22 June 6.15pm</i>	<i>Tues 22 June 6.00pm</i>

- 1.4. It is proposed that the Planning Applications Committee scheduled for Thursday 13 May be cancelled. An additional meeting of the Planning Applications Committee will be scheduled in July if there is sufficient business to consider. It is also proposed that the Annual Cabinet meeting scheduled for Wednesday 19 May be cancelled.
- 1.5. The South London Waste Partnership Joint Committee is currently being hosted by the London Borough of Kingston. Kingston have confirmed that the meeting scheduled for Tues 8 June 6.30pm will go ahead in the event that it is legally possible to hold virtual meetings beyond 7 May.
- 1.6. The following meetings can remain on their scheduled dates, as they are not precluded from meeting virtually:

Health and Wellbeing Board Subgroup – Tues 25 May 5.00pm  
 LSG – Tues 1 June 7.15pm  
 Overview and Scrutiny Topic Workshops – Mon 7 and Wed 9 June  
 JCC – Wed 9 June at 7.15pm  
 Raynes Park Community Forum – Thurs 10 June 7.15pm  
 Wimbledon Community Forum – Weds 16 June 7.15pm

The Joint Consultative Committee with Ethnic Minority Organisations, although a formally constituted committee of the Council does not have any formal delegated decision making powers so it is considered that there would be little or no legal risk in holding this meeting virtually, whatever the outcome of the High Court Case.

## **2 DETAILS**

- 2.1. The details are set out above and in Appendix A and B.

## **3 ALTERNATIVE OPTIONS**

- 3.1. The Council can make whatever arrangements it sees fit in respect of the calendar within the legal constraints set out below.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. The Leader of the Council has been consulted in respect of the Cabinet meeting schedule. The chairs of the Overview and Scrutiny Commission and scrutiny panels have been consulted in respect of the scrutiny schedule. Group offices and leaders have been consulted and their comments taken into account where possible.

## **5 TIMETABLE**

- 5.1. The calendar covers the period from May 2021 up to and including the Annual meeting 2022.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purposes of this report.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. As a response to the Covid-19 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 introduced the ability for formal council meetings to be held remotely. Those regulations lapse on 6 May and, unlike other legislative provisions governing the pandemic, there is no provision to extend them, otherwise than by primary legislation. Such legislation has not been introduced. An application has been made to the High Court for a declaration that the existing law governing local authority meetings, which is contained in the Local Government Act 1972, should be interpreted in accordance with modern times. In essence, the definition of “place” which appears a number of times in the relevant passages should, it is argued, include virtual, as well as physical places.

7.2. The Government is not opposing the application for a declaration so it is hoped that the Court will take a pragmatic approach and agree that the law already allowed for remote meetings and there is no need for new legislation. If so, meetings will be able to continue virtually. However, if the Court takes a different view, then it will be necessary for councillors to attend a physical meeting, in order for those meetings to be validly called, although officers and members of the public could continue to participate remotely. For this reason, it would seem sensible to agree alternate calendars as proposed in this report.

7.3. For meetings where no formal decisions are being held, in terms of the activity at those meetings, there would be no significant adverse consequences of continuing to hold those meetings virtually even if the judgement is unfavourable but members should note that attending such meetings will not count as attendance for the purpose of the “six month rule”.

7.4. The Council must hold a meeting to agree its budget by 11 March in each year.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. Publishing a calendar of meetings in advance is important in giving people information about when the Council proposes to do its business and take decisions that affect the community and individuals.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purposes of this report.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. It is important for the proper discharge of the Council’s duties that a proper framework for decision making is established including the scheduling of

meetings in advance to allow for business reports to be properly prepared for decision making bodies.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A – revised calendar of meetings 2021/22 (in person meetings)
- Appendix B – revised calendar of meetings 2021/22 (virtual meetings)

**12 BACKGROUND PAPERS**

12.1. None