

I have received several requests for advice on meetings, remote attendance etc. and thought that I could usefully give you the benefit of my advice. I am aware that others have tried to be more inventive.

As a result of the recent High Court decision, we are back in the pre-Covid world. Meetings (within the scope of s 99 of and sch 12 to the Local Government Act 1972) to be valid must be face to face and be open to the press and public. Meetings cannot be remote or hybrid. It follows those councillors and the public can observe remotely but councillors cannot participate remotely either to make representations or to vote. Attendance means physical attendance in the meeting room and therefore a councillor not in the room does not count towards the quorum and time running against the member under s 85 of the Local Government Act 1972 (the six months rule) continues to run. Whether members of the public can be safely accommodated is subject to the usual health and safety rules which relate to the venue e.g. as to fire safety or social distancing and it is open to the Council to ask members and members of the public to wear face coverings or take other action to reduce or eliminate infections. While councillors can only make decisions in valid meetings where those decision cannot or may not be made under delegated authority, there is no actual requirement for officers to be physically present at such a meeting. It is, of course, another matter whether an officer advising members can, and can be seen properly and effectively to, advise members remotely.

Some councils have increased the authority of a/the proper officer to make decisions (i.e. under delegated authority) which is fine under s 101 of the Local Government Act 1972. It is also correct for delegated decisions to be made by the proper officer after having consulted a member or members – that consultation may be remote or by telephone, but a virtual meeting for the purpose will not count as a meeting, although the consultation will be valid. (Officers making delegated decisions must follow the rules in the Openness of Local Government Bodies Regulations 2014 and in accordance with the scheme of delegation under s 101 of the Local Government Act 1972.)

Where the numbers of valid meetings are reduced, councils should be vigilant about the six months rule in s 85 of the Local Government Act 1972. There is no discretion for a council to reinstate a member if that member fails to attend meetings (as defined in s 85(1)-(3)) for six consecutive months calculated in accordance with s 85(1).

On the question face coverings, the following is a list of premises at which face coverings must be worn. You will note that town halls and council chambers are not mentioned although village halls and other community buildings are mentioned.

In England, you must wear a face covering in the following indoor settings (examples are given in brackets):

- shops and supermarkets (places which offer goods or services for retail sale or hire)
- auction houses
- post offices, banks, building societies, high street solicitors and accountants, credit unions, short-term loan providers, savings clubs and money service businesses
- estate and letting agents
- premises providing personal care and beauty treatments (barbers, hair salons, tattoo and piercing studios, nail salons and massage centres)
- pharmacies
- premises providing veterinary services

- retail galleries
- retail travel agents
- public facing funeral offices
- takeaways without space for consumption of food or drink on premises
- shopping centres (malls and indoor markets)
- community centres (including village halls), youth centres, members clubs and social clubs
- libraries and public reading rooms
- polling stations and premises used for the counting of votes
- places of worship
- crematoria and burial ground chapels
- visitor attractions and entertainment venues (museums, galleries, cinemas, indoor theatres, concert halls, cultural and heritage sites, indoor areas at aquariums, zoos and visitor farms, bingo halls, amusement arcades, adventure activity centres, indoor sports stadiums, funfairs, indoor theme parks, casinos, skating rinks, bowling alleys, indoor play areas including soft-play areas)
- public areas in hotels and hostels
- indoor areas of open-air sports stadiums
- public transport (aeroplanes, trains, trams, buses, coaches and ferries), taxis and private hire vehicles
- cars or small vans during any professionally delivered driving lesson, during any driving test, and during any practical test to qualify as an approved driving instructor
- heavy goods vehicle (HGVs) during any driving lesson and during any driving test
- driving theory test centres
- transport hubs (airports, rail and tram stations and terminals, maritime ports and terminals, bus and coach stations and terminals)
- motorway service areas

Staff within these settings, except some transport workers (see the 'Face coverings at work' section below), and those working in premises providing legal or financial services are required to wear face coverings when they are in a part that is open to the public and when they are likely to come into close contact with members of the public, such as on a shop floor. Staff may also wear face coverings when working in settings where face coverings are not required, and businesses are encouraged to support them in doing so.

You are required to wear a face covering on entering any of these settings and must keep it on until you leave unless you are exempt or have a reasonable excuse for removing it. Examples of what would usually be a reasonable excuse are listed in the 'If you are not able to wear a face covering' section below.

You should continue to wear a face covering in other indoor places, especially those that are crowded and enclosed and where you may come into contact with people you do not normally meet.

Face coverings are not legally required in hospitality settings given that they cannot be worn while eating and drinking. They are also not legally required in exercise facilities including gyms, dance studios, swimming pools or leisure centres (see the 'When you do not need to wear a face covering' section below).

Face coverings and face masks are needed in healthcare settings to comply with infection, prevention, control (IPC) guidance. This includes hospitals and primary or community care settings, such as GP surgeries. They should also be worn by everyone accessing or visiting care homes.

Ian Davison

Partner

t: 01306 877592

w: www.surreyhillssolicitors.co.uk

296 High Street Dorking Surrey RH4 1QT