

Briefing note Health and Wellbeing Board – January 2023

Legislative Background:

On 4 April 2020, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the 'Regulations') came into force, made under section 78 of the Coronavirus Act 2020.

Under regulation 5(1), local authorities in England and Wales were permitted to hold and attend committee meetings remotely through video, telephone and live-streaming conferencing technology.

However, this was intended to be a temporary measure until 6 May 2021. This position was made clear in regulation 2(4) meaning that **from 7 May 2021, only in-person meetings would be permitted.**

Calls for change:

The local government sector has called for the government to legislate to permit remote local authority meetings to continue.

As an illustration of how important this issue is to local authorities, the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council lodged a claim in the High Court. This sought confirmation that remote meetings could continue after the 7 May cut-off date. However, on 28 April, the claim was dismissed and the High Court concluded that:

“...once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location.”

Bury's current position:

Bury has taken the position that non-decision making meetings can be held remotely. However, **if a decision is to be made, the meeting must take place face-to-face in person.** Any decision taken in a remote meeting is not legally valid (as it would not be complying with the provisions of the Local Government Act 1972) and would be open to challenge.

Options for the Health and Wellbeing Board Going forward:

- Option one (preferred option)

The Board meets annually in person and agrees to delegate sign off reports following consideration by the Board to the Chair and the vice Chair in consultation with the Council's Monitoring Officer. Decisions taken will be published on the Council's website.

- Option two

Hybrid option, with some Members online and some Members present/in person including the Chair and a quorum only relating to those in the room, these Members would be allowed to vote.

It should be noted that those joining remotely, would not be able to vote.

- Option three

Continue to alternate meetings between in person and virtual meetings. Schedule items for decision at in person meetings.