

**From:** [Andrew Moulton](#)  
**To:** [Graham Howe](#)  
**Cc:** [Paul Miller](#); [Luciane Bowker](#)  
**Subject:** RE: Meeting tech glitches Schools Forum  
**Date:** 01 April 2021 09:24:39  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Graham,

Apologies for the delay in getting back to you on this.

I have now received legal advice on the matter which is as follows:-

*Assumption: I am assuming that the meeting went ahead with all members of the Forum in attendance and that those members who had asked to attend/speak (if any) were able to attend/speak/participate in that meeting. I also assume this wasn't a Part II meeting.*

Regulations

*The Schools Forums (England)(Coronavirus)(Amendment) Regulations 2020 were in force at the time of the meeting which permits the meetings to be held remotely. The meeting is still considered a public meeting under LGA1972 even if remote.*

*To be present & quorate the members must (i) hear and be heard by, and where practicable, see and be seen by any members present (ii) be heard and where practicable, seen by any members of the public at the meeting.*

Issue

*The issue is therefore whether members of the public could hear members. The requirement is members of the public at the meeting must be able to hear the members. So the question is not whether the meeting was broadcast but whether members of the public at the meeting were able to hear the members.*

*If the public were able to attend the meeting using other methods for example, registering and joining the meeting in Teams (even if none actually attended), then technically the members of the public had the ability to hear the members. If so, then it does not matter if the broadcast failed. I assume as the regulations only give rights to speak to certain named offices so likely that this wasn't the case.*

*However, if the attendance by the public was only available by watching the broadcast then it would be arguable that member of the public could not hear the members and therefore it was not a public meeting.*

Position if the meeting wasn't public

*Assuming that broadcasting was the only method available then not broadcasting means the meeting was not a public meeting. Technically the decision making was unlawful (having no legal authority) and not in accordance with the regulations.*

Having considered the above, I have concluded that the threat of challenge is low bearing in mind the nature of the decisions that were to be made. However, it is still possible for a challenge to be raised but this is a low risk and the chance of success would be low on the basis that the decisions made are unlikely to be different just because the public can see the meeting.

However, there are actions that the panel can take. The meeting could be reconvened with the purposes of ratifying the decisions made. Obviously the earliest that could be done the better (so that there is a lower risk of a change to the decision) but at worst at the next scheduled Schools Forum. In the circumstances, I have advised that it will be sufficient to ratify the decisions at the next meeting.

I am copying the Democratic Services officer into the email for her information. Whilst I appreciate the disruption to busy schedules that delaying or postponing the meeting would have brought about, the clerk provided the appropriate advice to you at the meeting to avoid the need to revisit or repeat decisions.

Please let me know if you've any queries.

Regards  
Andrew

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**From:** Andrew Moulton  
**Sent:** 17 March 2021 13:46  
**To:** Graham Howe <[graham.howe@wokingham.gov.uk](mailto:graham.howe@wokingham.gov.uk)>  
**Cc:** Paul Miller <[miller.p.r@gmail.com](mailto:miller.p.r@gmail.com)>  
**Subject:** RE: Meeting tech glitches Schools Forum

Dear both,

Sorry to hear about the technical difficulties this morning.

I am in the process of speaking with the Democratic Services and will get back to you with a formal response as soon possible.

Regards  
Andrew

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**From:** Graham Howe <[graham.howe@wokingham.gov.uk](mailto:graham.howe@wokingham.gov.uk)>  
**Sent:** 17 March 2021 10:43  
**To:** Andrew Moulton <[andrew.moulton@wokingham.gov.uk](mailto:andrew.moulton@wokingham.gov.uk)>  
**Cc:** Paul Miller <[miller.p.r@gmail.com](mailto:miller.p.r@gmail.com)>  
**Subject:** Meeting tech glitches Schools Forum

Dear Andrew,

Can you please advise on the situation that the Schools Forum was to convene online via Teams at 10am.

I am a member of the Forum along with 20 + Heads of schools and others were on the call.

The technology was unable to broadcast to the public at that time.

A proposal to proceed with the meeting and record it for broadcast as soon as possible afterwards.

Several officers asked that the meeting be delayed until the tech was working as the public has the right to attend the meeting.

At 10.15am I supported the Chair in that the meeting proceed and a recording be broadcast later. A compromise was made whereby the meeting started at 10.30am with recording to go out later at the tech to broadcast was still not working.

25 colleagues with heavy diaries lost ½ hour each = 12 ½ man hours.

My contention is that record and broadcast later passes the reasonable man test and is defensible. WBC officers contention it is not.

Can you advise please?

Best regards

Graham

CC Paul Miller Chair of Schools Forum

Graham Howe

Councillor for Remenham, Wargrave & Ruscome  
07540 193239