

Flexibility of Local Authority Meetings Arrangements Arising from COVID-19

This is a summary of NALC Guidance. In response to the Coronavirus pandemic, the Ministry for Housing, Communities & Local Government (MHCLG) brought [SI 2020/392 The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) into force on 4th April 2020.

In recognition of the problem of holding and attending meetings, and further to the lobbying of NALC and others, the Government included s.78 in the Coronavirus Act 2020. This section gave the Secretary of State the power to make Regulations to make provisions for the holding of meetings. The 2020 Regulations set out those provisions

The key points to note are:

1. **Regulation 2:** the 2020 Regulations enable local councils to hold remote council & committee meetings (including by video and telephone conferencing) for a specified period until May 2021 – parish councils are included within the definition of local authorities (Regulations 3)
2. **Regulation 3:** Parish meetings are not included within the definition (of local authorities, Regulation 3) and, as such, there is nothing permitting them to meet remotely. In NALC's view, the current Government guidance means that parish meetings should not take place in person, including the annual meeting of the electors.
3. **Regulation 4:** where an appointment would otherwise be made or is required to be made at an annual meeting of a local authority, the appointment continues until the next annual meeting of the authority or until such time as that authority may determine (Regulation 4 (2)). Therefore the current chairman will remain in place until an annual meeting is held (possibly next year) unless the council decide to elect a replacement earlier.
4. **Regulation 5:** this permits the holding of remote meetings. The effect of the Regulation is that persons attending a local council meeting do not need to be in the same place. "Place" means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers (Regulation 5 (1)).
5. To attend a meeting remotely a member in remote attendance must meet specified conditions (summarised below). **Regulation 5 (6)** also enables local councils to make standing orders to specify
 - (i) how voting will be carried out,
 - (ii) how members and the public can access documents and
 - (iii) how remote access of the press and public by electronic means will take place.
6. **Regulation 6:** – confirms that
 - a. being present at a local council meeting includes being present through remote attendance.
 - b. there is no requirement for a parish council to hold its annual meeting although a council may do so if they so choose.
 - c. a local council must still hold in a year not less than three meetings in addition to the annual meeting.

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7. **Regulation 13** –public notice of the time and place of the meeting is deemed to be given if published on the relevant principal authority’s website. In NALC’s view the notice could be placed on the local council’s website or in a prominent physical place to meet the advertising requirements contained in Schedule 12 of the 1972 Act. Councils should take account of social distancing requirements before deciding to put notices in physical spaces NALC’s view is that a council’s decision making is unlikely to be challenged if it only places the notice on its own website.
8. **Regulation 17** – confirms that a local council complies with Regulation 8 of the Openness of Local Government Bodies Regulations 2014 (decisions and background papers to be made available to the public) by making the written record and any background papers available for inspection by publishing them on their website; or by such other means that the council considers appropriate.

Specified conditions to enable local councils to meet remotely

Regulation 5(2) of the 2020 Regulations provides that a member in remote attendance attends the meeting at any time if the member is able at that time:

1. to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
2. to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
3. to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

All of the above conditions must be satisfied.

These conditions allow members to join via a video link system or by telephone so long as every member can be heard by every other member and the public.

All members, clerk and other staff, and any members of the public will be in attendance for the purposes of the 2020 Regulations if they are in remote attendance.

Summary

- The 2020 Regulations permit the holding of remote meetings, with conditions.
- Local councils can decide the methods they will use to facilitate the holding of remote meetings.
- There is no requirement to hold an annual meeting.

NALC has provided guidance on holding remote meetings, attached as Appendix A.

Actions:

1. **The Parish Council should decide whether it wishes to hold a further remote meeting in May 2020 as an Annual Meeting of the Parish Council (which it need not do under the regulations);**
2. **Following the April meeting review remote meeting guidelines set out by NALC in Appendix A and draft a remote meeting protocol.**

Hilary Workman
Clerk & RFO
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