

## **THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020**

### **Introduction:**

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 2020 Regulations") came in to force on 4 April. This allows local councils and parish meetings to hold remote meetings (including by video and telephone conferencing) for a specified period until May 2021. They also remove the requirement to hold an annual meeting.

The COVID-19/ Coronavirus pandemic and the unprecedented in peacetime Government measures in response to the crisis (e.g. prohibitions on gatherings, social distancing, self-isolation and shielding of those deemed to be the most vulnerable) have meant that the requirement for local authorities to hold public meetings in person with all members present in one place could not be met. The statutory requirements for meetings are mainly contained in the Local Government Act 1972 ("the 1972 Act") and the Public Bodies (Admission to Meetings) Act 1960 ("the 1960 Act").

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 was included and 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.

Regulation 2 – the 2020 Regulations apply to local authority meetings that are required to be held, or held, before 7 May 2021. The date could be brought forward if Government rules are relaxed.

Regulation 3 – Parish Councils in England are included within the definition of "local authority" in the 2020 Regulations. 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 (known as the Annual Parish Meeting).

Regulation 4 – this provides that 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)). This would apply to the election of the chairman, the first business at the annual council meeting. 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.

Regulation 5 – this permits the holding of remote meetings. The effect of the Regulation is that persons attending a local council meeting or parish 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)). To attend a meeting remotely a member in remote attendance must meet specified conditions (see 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. Councils should make these decisions based on their own needs and capacity. Local factors such as broadband strength may also determine what methods they use. See also the NALC guidance on remote meetings.

Regulation 6 – confirms that being present at a local council meeting includes being present through remote attendance. The Regulation also disapplies paragraph 7 of Schedule 12 to the 1972 Act. This means there is no requirement for a parish council to hold its annual meeting although a council may do so if they so choose. However, paragraph 8 of Schedule 12 has not been disapplied. Paragraph 8 requires a local council to hold in a year not less than three meetings in addition to the annual meeting.

NALC believe that this should also have been disapplied. The equivalent paragraphs have been disapplied for principal authorities (paragraphs 1 and 2 of Schedule 12).

Regulation 13 – s.1 (4) (a) of the 1960 Act has been further amended so that the public notice of the time and place of the meeting is deemed to be given if published on the relevant principal authority's website. by the Amendment Regulations so it now provides that public notice of the time and place of the meeting and details of remote access by public and press to that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming shall be given by posting it at the offices of the body (or, if the body has no offices, then in some central and conspicuous place in the area with which it is concerned) or publishing on the website of the body or, for a parish council or for a parish meeting, on the website of the principal council within the meaning of the Local Government Act 1972 three clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

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.

### **What are the 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:

- a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- b) 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
- c) 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. The provisions in Regulation 5 will apply notwithstanding any standing orders or rules to the contrary.

Existing provisions that have not been specifically disapplied still apply, including the notice requirements in Schedule 12 of the 1972 Act.

### **Summary**

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