

2 APRIL 2020

## **PR4-20 | LOCAL AUTHORITY MEETINGS REGULATIONS**

The National Association of Local Councils (NALC) welcomes the opportunity to comment on the draft Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020. Our response is set out below:

- The draft Regulations appear to have been written more with principal authorities in mind, who will find their requirements easier to manage than most of England's 10,000 parish councils.
- The regulations apply to parish councils, who are defined as a local authority in s78 (7) (g) of the Coronavirus Act. NALC has previously asked the Ministry for Housing, Communities and Local Government for clarification on whether this definition includes parish meetings, ie not the annual meeting of a parish council or annual meeting of electors, but a parish meeting.
- The 1972 Act in s270 has a general definition of local authority in the general interpretation clause and includes parish council but doesn't include parish meetings. Other parts of this legislation include parish meetings for particular limited purpose, for example s127 on disposal of land.
- Officials have since confirmed the government view that s78 (7) (g) does not include parish meetings. Therefore it would be helpful to know the government's reasons for this, and how the government intends to enable parish meetings to be able to hold any meeting remotely.
- It is not clear how the requirements for remote public access/participation work in practice with platforms such as Zoom. Regulation 5 (3) (a) (ii) refers to members of the public who exercise a right to speak at the meeting (eg in principal authority planning meetings). What does that mean for parish councils where this is no public right to speak?

- Regarding the place of meeting and physical attendance, we are not concerned by this and do not interpret the Regulations as meaning at least one councillor has to be physically present. A location would need to be set in accordance with paragraph 10 (2) of Schedule 12 to the 1972 Act. This could be the clerk's office or home. However, concerns have been expressed to NALC that the term "*the place where a meeting of that authority is held*" may be interpreted as still a physical place, with some members present there and other members in remote attendance. It is important there is provision for a meeting to be held entirely remotely, with no physical "*place*" at all and all councillors would be remotely accessing the meeting, therefore we would welcome clarification on this issue.
- We note that there is no specific requirement for a physical quorum unlike in Wales where the Local Government (Wales) Measure 2011 requires 30% of councillors to be physically present.
- It is clear that a member is in remote attendance when criteria are met, and in attendance when one or more are not met. If a member ceases to be in remote attendance because, for example, he loses connection, then the remainder of members present, either physically or in remote attendance would continue, although the member no longer in remote attendance would not count towards the quorum until he was able to reconnect.
- We note Regulation 5 (4), the provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting.
- Regulation 6 (b) dis-applies paragraph 7 of Schedule 12 to the Local Government Act 1972. This cancels the requirement for a parish council to hold an annual meeting (para 7, Schedule 12, LGA Act 72), which is helpful in providing maximum flexibility.
- Regulation 7 (1) provides that a parish council shall in every year hold an annual meeting. We urge that paragraph 8 also be dis-applied. Paragraph 8 (1) states that a parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine. There isn't anything to stop a parish council holding an annual meeting. We note that the equivalent paragraph for principal authorities (paragraph 2) has been dis-applied.

- Regulation 13 provides that notice of meetings can be both published locally or on the council's website and public access can be effected by remote means.
- On a more general point, Platforms such as Zoom are likely to work well in support of these regulations, and are already beginning to be used across the parish sector. Members in remote attendance (i.e. all those councillors present realistically) and members of the public will be able to see and hear each other if they join with a device with a camera and microphone. If members in remote attendance or members of the public have telephoned in then they will be able to hear each other but not see each other, but that is still compliant with Regulation 5. However, there will be a cost implication to parish councils for any platform these choose to use. For example the free version of Zoom only allows meetings for 40 minutes, for longer meetings an enhanced subscription is required at a cost of £12 per month.
- NALC is keen to work closely with the government and local government bodies on the implementation of these regulations, which should be kept under constant review in light of their practical application by councils.

### **More information and contact**

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