

LINDSEY PARISH COUNCIL

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Paper prepared by: Clerk to the Parish Council for email circulation – 9th April 2020

Statutory Business of the Parish Council – COVID - 19

Background:

On 2 April, the government published The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations come into force on 4 April.

NALC has launched two documents — a legal briefing note on its interpretation of the regulations and practical guidance for local councils on how to hold effective remote council meetings (*much of which is repeated below*). Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) have also produced guidance on the regulations on how they affect all local authorities.

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”) come in to force on 4 April. Broadly speaking, the 2020 Regulations enable local councils to hold remote meetings (including by video and telephone conferencing) for a specified period until May next year. They also remove the requirement to hold an annual meeting. The 2020 Regulations apply to local council meetings, committee and sub-committee meetings in England.

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”). The Government included s.78 in the Coronavirus Act 2020 which gives the Secretary of State the power to make Regulations to make provisions for the holding of meetings. The 2020 Regulations set out those provisions.

a) Meetings of the Parish Council.

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. Parish meetings are not included within the definition 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.

Action taken by the Proper Officer of Lindsey Parish Council:

- Council is informed that the Annual Parish Meeting be cancelled for the year 2020.

b) Annual Appointments

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.

Action taken by the Proper Officer of Lindsey Parish Council:

- Council is informed that the current chairman will remain in place until an annual meeting is held (possibly May 2021) unless the council decide at an earlier meeting to elect a replacement.

c) Remote meetings

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)). 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 are expected to make these decisions based on their own needs and capacity. Local factors such as broadband strength may also determine what methods they use.

Action taken by the Proper Officer of Lindsey Parish Council:

- **The Proper Officer will review the guidance on the holding of remote meetings with reference to:**

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**

&

Regulation 13 – s.1 (4) (a) of the 1960 Act has been amended so that public notice of the time and place of the meeting is deemed to be given if published on the relevant principal authority’s website

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

d) Frequency of 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 and there is still the requirement for a local council to hold in a year not less than three meetings in addition to the annual meeting. *NALC believes this should also have been disapplied. The equivalent paragraphs have been disapplied for principal authorities (paragraphs 1 and 2 of Schedule 12).*

Action taken by the Proper Officer of Lindsey Parish Council:

- **Council is informed that, to ensure that there are four meetings held during the year in accordance with legislation, the following scheduled meetings will stand:**

21st May 2020

8th July 2020

9th September 2020

11th November 2020

but the location and commencement times are still to be determined.