

Subject: Parish Meetings - New Regulations issued by Government - 3 March 2020

To:

Dear All,

As you may know all local authorities have been waiting for emergency legislation which would allow us to have Council meetings without councillors being physically present in the room. The Coronavirus Act was passed by Parliament at the end of last week and it contained s78 which dealt with the issue of Local Authority Meetings. The Act didn't contain any detail itself so we had to wait for the Secretary of State to publish regulations to set out the detail. These regulations have now been published this afternoon and come into force on Saturday.

The Government has issued the regulations that will give local authorities greater flexibility in the conduct of meetings, including allowing members to attend remotely, and for public and press access to those meetings.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 will come into force on **4 April**.

They apply to local authority meetings and police and crime panel meetings that are required to be held, or held, before 7 May 2021.

The Explanatory Memorandum can be [read here](#). On the purpose of the Regulations this states:

*"These Regulations make provision to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. **The Regulations further modify existing legislative provisions to remove the requirement for local authorities to hold annual meetings**, and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.*

*"For the purposes of these Regulations, a local authority includes county councils, district councils, combined authorities, **parish councils**, joint committees constituted to be a local planning authority, fire and rescue authorities and national park authorities. The Regulations apply to meetings of a local authority, an executive of a local authority, a joint committee of two or more local authorities, and a committee or sub-committee of any of those bodies.*

"Part 4 of these Regulations makes provision to enable all Police and Crime Panels in England and Wales to hold meetings remotely including by (but not limited to) video conferencing, live webcast, and live interactive streaming, and to enable requirements for public and press access to Police and Crime Panel meetings to be complied with through remote means and website access."

The Memorandum says: *"Legislation is needed because existing primary legislation requires local authorities to hold annual meetings in the period March to May, and also that meetings must be in person, requiring attendance of all the members at a place together. The measures will help local authorities redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance. The local authority sector has asked for the flexibilities to be in place as soon as possible and it is clearly vital that this is achieved."* It adds: *"Being able to hold all meetings flexibly, including annual meetings, executive meetings, and committee meetings, allows local authority business to continue while adhering to official public health guidance. It also allows the public the same flexibility to attend whilst adhering to the guidance."*

The Regulations were made by the Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus

Act 2020(1) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(2).

Of particular interest will be Regulation 5 which sets out the conditions for remote attendance as follows:

5.—(1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

(2) For the purposes of any such enactment, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.

(3) Those conditions are that the member in remote attendance 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.

(4) In this regulation any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

(5) 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 and any such prohibition or restriction has no effect.

(6) A local authority may make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority, which may include provision for—

(a) voting;

(b) member and public access to documents; and

(c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.

With local authorities not required to hold annual meetings under these regulations, current appointments will continue until the next annual meeting of the authority or when the local authority determines, the Explanatory Memorandum states. *"This provides, in the absence of an annual meeting, continuity of membership."*

Thanks and Kind Regards

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