

Appendix 1

A Briefing on 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 Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 come into force from 4th April 2020.

The regulations are 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).

The Regulations apply to local authority meetings (and police and crime panel meetings) that are required to be held, or held, before 7th May 2021.

In the Regulations, "the 1972 Act" means the Local Government Act 1972 and "local authority" includes a County Council (and numerous other bodies).

Frequency of Meetings / Annual Meetings

A local authority is permitted to alter the frequency, move or cancel such meetings, without requirement for further notice. In reality this means a meeting can be cancelled, even if the agenda has been published.

When an appointment would otherwise be made at an annual meeting, such an appointment continues until the next annual meeting of the authority or until such time as that authority may determine.

Remote Attendance in Local Authority Meetings

A meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place. The reference to a "place" includes reference to more than one place including electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

A Member 'in remote attendance' can attend the meeting as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard any members of the public entitled to attend the meeting. The regulations would prefer a visual solution, but audio is sufficient.

This also relates to members of the public attending the meeting being heard, but preferably seen.

To be clear, the above caveats (in relation to Members of the authority and the public) includes a person who is attending by remote access.

The Regulations clarify that any reference to being "present" at a meeting includes being present through remote attendance... and 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).

Standing Orders

The provision in the Regulation overrides provisions in existing standing orders or rules governing the meeting.

However, a local authority may make other standing orders regarding issues such as voting, member and public access to documents; and remote access of public and press to a local authority meeting to enable them to attend or participate. This doesn't appear necessary as current processes allow this and access to meetings and public participation will continue.

Annual Meeting

Paragraphs 1 and 7 of Schedule 12 to the 1972 Act are disapplied which means the removal of the requirement to hold an annual meeting.

Access to Information

The requirement for a paper copy of an agenda to be displayed in the Council's offices has been removed, so publishing on the website only is acceptable.

Access of Public and Press

The Regulations clarify that a meeting being "open to the public" includes access to the meeting through remote means (video conferencing, live webcast, interactive streaming). Where a meeting is accessible to the public through such remote means the meeting is deemed open to the public whether or not members of the public are able to attend the meeting in person.

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have also been amended to reflect the new arrangements in terms of access to documents and meetings, but still retains the need for publication of key decisions, general exception, cases of special urgency etc.

The provisions in relation to the inspection and supply / copy of documents have been disapplied, but the Authority would still need to make any background papers available for inspection through other means (for example the website).