



The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

To: All Chief Executives, Main Contacts and APSE Contacts in England and Wales. For information only in Scotland and Northern Ireland

Key Points

From Saturday 4 April 2020, all English local authorities have been temporarily given new powers to hold public meetings virtually using either video or telephone conferencing technology. This means that public meetings are temporarily no longer legally required to be held in person. This includes all types of public meetings such as annual meetings, cabinet meetings and committee meetings.

The full UK Statutory Instrument is here:

<http://www.legislation.gov.uk/ukxi/2020/392/contents/made>

The full press release is available here:

<https://www.gov.uk/government/news/councils-given-new-powers-to-hold-public-meetings-remotely>

1.0 What has changed?

- Public meetings can now be held virtually, and are no longer required to be held in person
- Remote attendance is now considered to be valid as long as certain criteria are met
- Local authorities will have the powers to set their own rules regarding voting, remote access to documents and other matters regarding remote meetings

2.0 Statutory Instrument

Below are the changes that are relevant to local authorities as part of this Statutory Instrument.

Meetings can now be held virtually

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 location such as internet locations, web addresses or conference call telephone numbers."

Remote attendance is now considered valid as long as these criteria are met

5 (2) "For the purposes of any such enactment, a member of a local authority 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

Local authorities are able to make their own provisions regarding voting, access to documents, etc

5. (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”

There were also several changes to existing legislation updating the word present to include being virtually present at meetings, and updating the phrase “open to the public” to include video conferencing and interactive streaming.

3.0 Who does this change apply to?

This applies to:

- County councils
- Combined authorities
- Fire and rescue authorities
- Joint committees constituted to be a local planning authority
- District councils
- Parish councils
- National park authorities

The change in rules applies to the following types of meetings:

- Meetings of a local authority
- Meetings of an executive of a local authority
- Meetings of a joint committee of two or more local authorities
- Meetings of a committee or sub-committee of any of the above bodies

4.0 What rules remain?

Requirements that remain:

- Rules relating to the number of councillors / members of a group attending for the meeting to be considered valid will remain
- Public meetings must remain accessible to the general public

5.0 APSE Comment

APSE welcomes this announcement by the Local Government Secretary, Robert Jenrick MP. Allowing new ways for local authorities to continue to make decisions on the delivery

of public services whilst respecting the government guidance on social distancing and unnecessary travel. APSE appreciates the involvement of the Local Government Association and the engagement taking place with other representative bodies of local government around developing guidance for local authorities around holding remote meetings. Whilst there was a necessary period of emergency powers, and the urgency to respond to the lock-down arrangements, local democratic accountability remains important to both residents and to the functioning and scrutiny of council business overall. These measures clarifying the validity of remote meetings are therefore welcomed.

APSE has implemented mobile working and meetings during this time of crisis, and has developed several online / remote systems for ensuring that local government officers, managers and councillors are well supported and have access to the knowledge of their peers across local government throughout this time. APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

Garry Lee, Research and Coordination Officer

Louise Melville, Principal Advisor