

## LINDSEY PARISH COUNCIL

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Paper prepared by: Clerk to the Parish Council for meeting of 10<sup>th</sup> March 2021

### **Statutory Business of the Parish Council – MEETINGS post 7 MAY 2021**

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.

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 – NALC advice on the possibility of the return of face-to-face meetings**

NALC is working with a number of national bodies to press the government to extend the regulations to meet virtually beyond 7 May 2021 and will continue to stress the urgency and importance of this issue. However, at this time government has no plans to extend these regulations and so councils should start preparing for the real possibility of face to face meetings from May. The NALC update includes information on the possibility of the return of face-to-face meeting, suggestions to help prepare, risk assessment considerations and some tips to help manage remote meetings.

The regulations that allow local authorities to hold meetings remotely apply to local authority meetings that are required to be held, or held, before 7 May 2021. This means that, without any further action from the government, all local authorities including local councils must return to face to face meetings from 7 May. NALC is working with a number of national bodies to press the government to extend these regulations beyond this date and will continue to stress the urgency and importance of this issue. However, at this time government has no plans to extend these regulations and so councils should start preparing for the real possibility of face to face meetings from May.

#### **b) Annual meetings of parish councils and parish meetings - 2021**

The Government have said there are no plans to extend the legislation brought in last April that has enabled the holding of virtual meetings and for annual meetings to be cancelled or delayed. While NALC, the LGA and other bodies continue to press for the legislation to be extended (or possibly even be permanent), annual meetings of parish council and parish meetings should be scheduled for 2021 in the normal way.

If it is intended to hold such meetings by remote technology then the annual council meeting must be held between 1-6 May, and the annual parish meeting from 1 March - 6 May. Should the legislation be extended in the interim then there would of course be extra flexibility.

c) NALC guidance for preparing for return of face to face meetings

The guidance below has been written to help local councils prepare for the scenario that remote council meetings cannot lawfully take place from 7 May 2021. There is still much uncertainty around how legislation or COVID-19 risks may change over the coming weeks and months. NALC will update this guidance as the situation evolves. Each council will have to decide which course of action will best fit their needs and manage risks.

To help local councils prepare for this possibility some advice and suggestions are below:

- Consider what council business can be conducted before May so that the council can dedicate time to those issues in remote meetings.
- This may require more meeting time than is currently planned, so the council should look at the meeting schedule in the run-up to May and see if more time or more meetings are required.
- Where possible, consider holding the annual council meeting and the parish meeting while the current Regulations permit for them to be held remotely.
- Consider when the council does need to meet face to face, and whether meetings can be delayed to later in the year when the potential COVID-19 risk may be further reduced.
- The council might consider holding a remote meeting as late as possible in April so that councillors who are unable to attend face-to-face meetings will have as much time as possible before disqualification by virtue of s.85 of the Local Government Act 1972 becomes an issue.
- It may help the council's business continuity to implement (or review) a scheme of delegation. This would allow the clerk to make certain decisions for the council, which would be especially important if the council were unable to hold meetings due to COVID-19 risks. In reviewing/adopting a scheme of delegation the council should ensure there is clarity around which decisions are delegated and which are not, for how long the scheme of delegation is in place, and when the scheme of the delegation will end or be reviewed.

From May 2021, as face-to-face council meetings resume there will still be the risk to attendees of COVID-19 exposure. Councils should conduct a risk assessment in advance of a face to face meeting which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitiser to those entering the meeting room and making sure hand sanitiser is readily available in the room itself
- Staggering arrival and exit times for staff, councillors and members of the public
- Placing seating at least 2-metres apart
- Ensuring everyone wears face masks
- Holding paperless meetings
- If papers are provided, people should be discouraged from sharing with others and asked to take the papers with them at the end of the meeting to minimise how many people handle the papers
- Arranging seating so people are not facing each other directly
- Choosing a venue with good ventilation, including opening windows and doors where possible
- Choosing a large enough venue to allow distancing – this may mean choosing a different venue to what the council used before.
- The council (or venue owner/operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?
- If the venue has an NHS QR code to support test and trace then all attendees should register using that app, for those without access to the app they should register attendance in line with the venue's test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a test and trace procedure

Venues must conform with the government guidance for multi-purpose community facilities and for council buildings. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance

The council must understand and ensure it is acting in compliance with the latest government safer workplaces guidance