

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

**Yaaser Vanderman**

**9 April 2020**

# Topics

- Scope and extent;
- Timing, frequency and notice of meetings
- Location of meetings
- Attendance requirements
- Public access (documents and meetings)
- Appointments

## Scope and extent

- **Reg 2**
  - Local authority meetings (England only)
  - Police and crime panel meetings (England and Wales)
  - Until 7 May 2021
  - Wales and Northern Ireland?

## Scope and extent

- **Reg 3**
  - “local authority meeting” means a meeting of:
    - a local authority
    - an executive of a local authority
    - a joint committee of two or more authorities
    - a committee or sub-committee of any of the above

# Timing, frequency and notice of meetings

- **Reg 6**

- Disapplies requirement in LGA 1972 to have annual meeting at all and also at the prescribed times, e.g. in non-election year March-May (Principal Council) or May (Parish Council) and in election year 8-21 days (Principal Council) after or within 14 days (Parish Council) of elections: Reg 6(c);
- Allows Principal Councils to have meetings even if there has been no annual meeting that year: Reg 6(d).

- **Reg 4(1)**

- Local authority may hold meetings “*at such hour and on such days*” and “*alter the frequency, move or cancel such meetings... without requirement for further notice*”.

## Timing, frequency and notice of meetings

- **Reg 6(e)**
  - Principal Councils: notice of the time and place of the meeting can now be published on the authority’s website as well as at the authority’s offices: amendment of para 4(1A)(a) of Schedule 12 to LGA 1972. Also amendment of s1(4)(a) of Public Bodies (Admission to Meetings) Act 1960 by **Reg 13(a)**
  
- **Reg 13(a)**
  - Parish Council: NO amendment to equivalent provision for parish council meetings. Para 10(2)(a) of Schedule 12 to LGA 1972 requires notice to be fixed “*in some conspicuous place in the parish*”.
  - BUT amendment to s1(4)(a) of Public Bodies (Admission to Meetings) Act 1960 so that notice of the time and place can now be published on the Principal Council’s website

## Location of meetings

- At the moment, e.g. Principal Council can only transact business if 25% of members are “*present*”: para 6 of Schedule 12 to LGA 1972.
- **Reg 5(1)**
  - Clarifies that any legislation referring 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*”.
  - Any reference in legislation to a “*place*” includes “*reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers*”.

## Location of meetings

- **Reg 5(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.*”
- **Reg 5(6)**
  - Standing orders and other rules may be created to make provision for:
    - Voting
    - Member and public access to documents; and,
    - Remote access of public and press to meetings by electronic means
- **Elmbridge BC:** “Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.”

## Member attendance requirements

- Section 85(1) LGA 1972 requires members to “*attend*” a meeting at least every 6 months.
- **Reg 5(2)-(4):**
  - “Remote attendance” counts as long as the member can hear, and be heard by (and see/be seen by if practicable):
    - Other members;
    - Any members of the public entitled to (remotely) attend to speak; and,
    - Any other members of the public (remotely) attending.
- **Reg 5(5)** - anything to the contrary in standing orders or other rules of authority is of “*no effect*”

## Public access - attendance

- Meetings are, generally, “*open to the public*”: see s1(1) Public Bodies (Admission to Meetings) Act 1960, s100A(1) LGA 1972, s9G Local Government Act 2000 and Regulation 3 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- **Regs 13(b), 14, 15 and 16(2)-(3)**
  - Definition of “*open to the public*” clarified to include:
 

“access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person”

## Public access - attendance

- Meaning of “*access to the meeting through remote means*”?
- **Reg 3** – “*remote access*” in accordance with Reg 5(6)(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.”

## Public access - documents

- Provisions allowing the public to inspect meeting agendas and reports in advance of meetings and afterwards: see, e.g. s100B LGA 1972.
- **Reg 15**
  - For purposes of LGA 1972, “*open to inspection*” and “*publication, posting or making available of a document at offices of the council*” clarified to include being published on the Council’s website.

## Public access - documents

- **Reg 16**

- Relates to Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which applies to executive decision-making;
- Reg 16(4)-(5) enables various types of notices, agendas, reports or other documents to be inspected/accessed through the authority's website.

- **Reg 17**

- Reg 7 of Openness of Local Government Bodies Regulations 2014 requires a written record of a delegated decision;
- Reg 8 deemed to be complied with following publication on authority's website.

# Appointments

- **Reg 4(2):**

“Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.”

THE END

Thank you for listening

© Copyright Landmark Chambers 2020

**Disclaimer: The contents of this presentation do not constitute legal advice and should not be relied upon as a substitute for legal counsel.**

**London**

180 Fleet Street  
London, EC4A 2HG  
+44 (0)20 7430 1221

**Birmingham**

4th Floor, 2 Cornwall Street  
Birmingham, B3 2DL  
+44 (0)121 752 0800

**Contact us**

✉ [clerks@landmarkchambers.co.uk](mailto:clerks@landmarkchambers.co.uk)  
🌐 [www.landmarkchambers.co.uk](http://www.landmarkchambers.co.uk)

**Follow us**

🐦 @Landmark\_LC  
🌐 Landmark Chambers