

Remote meeting regulations and the sunset clause

... and what this means for council meetings from 7 May 2021.

The [legislation permitting councils to meet remotely](#) will come to an end on 6 May 2021. As it currently stands, all council meetings held on, or after the 7 May, must therefore return to a face-to-face format.

DALC, NALC, and other local government bodies, are acutely aware of the issues this presents councils and are stressing the urgency and importance of having these regulations extended to MP's and Ministers. However, Government have no current plans to extend these regulations and so **we must start preparing for face-to-face meetings from 7 May**. If the situation changes, we will let you know.

Each council will need to determine for itself which course of action will best fit their needs moving forward, and manage the risks. There are a number of matters you will need to consider including: schedule of meetings including annual meetings, meeting venues, work planning, schemes of delegation and the six month rule.

We have provided a range of advice below to assist you with your planning. As always, if you have further questions please do [contact us](#).

Additionally, these months of living through a pandemic, with some people having to shield and limited social contact for us all, is taking a toll on many of us. Planning for face-to-face meetings will once again add stress to councils and their staff. Councils work best when the team works together, which means looking out for each other. Being respectful and compassionate towards one another can help keep morale up and prevent discord even when emotions are running high.

Best wishes and stay safe

Cara Stobart, County Officer

Preparing for the return to face to face meetings

The Council's meeting schedule

It is highly likely that not all members will want, or be able, to attend face-to-face meetings from May; meaning there is a high chance that meetings may be inquorate and business cannot be conducted as needed.

Our advice:

Consider what business can be conducted before May so the council can dedicate that time now in remote meetings. This will enable the council to hold fewer, or shorter, face-to-face meetings from May. This may require rethinking your meeting schedule and considering the potential need for more, or longer, meetings before May. *CAUTION*: remember to consider the workload associated with more meetings!

The council may want to consider holding a meeting as late as possible in April, or the first week of May, so councillors 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 (i.e. the six month rule).

Consider the need for face-to-face meetings. Could some business be deferred to later in the year when the risk of COVID may be further reduced?

DON'T FORGET! Under the Local Government Act 1972 sch 12 s.8, councils are still required to hold 4 meetings per year (including the Annual Meeting). So don't go cancelling all your meetings! and double check you have held enough in the past 12 months, and call some remote meetings if you have not yet met the requirement.

Schemes of delegation

It is entirely possible that councils may find themselves in a situation where they could not complete important business remotely prior to 7 May, or be able to convene a quorate meeting for some time afterwards.

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, in the event they were unable to meet. 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 delegation will end or be reviewed.

Many councils had to hastily put schemes in place last spring at short notice, use this time now to review your scheme and ensure it will meet your councils needs.

CAUTION: remember that some business cannot be delegated, such as the approval of the Annual Governance and Accountability Return, and councils may need to meet order to meet statutory deadlines, and avoid charges.

Annual Meeting of the Council

Parish and town councils must hold an annual meeting every year in May, where the first item of business is to elect a chairman. The Regulations removed the requirement to hold the annual meeting and appoint a chairman allowing the existing chairman to hold their seat for another year. Councils could then choose to hold the annual meeting remotely at any time in the year, as well as decide whether to appoint a new chairman.

Our advice:

We recommend you hold your Annual Meeting remotely in the first week of May, prior to the regulations expiring so you can be certain it can go ahead.

Annual Meetings held on, or after, the 7 May will need to be held face-to-face. As long as the meeting is quorate, it can still go ahead.

Annual Parish Meetings

It is normally a requirement that the annual parish meeting assembles on some day between 1 March and 1 June (inclusive) in every year. Last year, we advised councils to cancel this event due to the pandemic although no legislation had been provided.

In August 2020, the Covid-19 regulations were amended to remove the requirement for the annual parish meeting to assemble, along with the requirement for proceedings to commence no earlier than 6.00pm. The amendment also allowed parish meetings (as well as parish and town councils) to meet remotely.

What does this mean for you? Since there is currently no requirement to assemble the annual parish meeting, your council can choose not to do so. However, the council could choose to hold the annual parish meeting remotely before the 7 May.

Top tips for a remote Annual Parish Meeting:

- keeping the meeting short with limited business/votes
- use electronic voting tools (many platforms have built in tools for voting)
- if you plan to vote by a show of hands or calling a register then plan significant extra time for this
- build in public engagement through online tools that you could use to ask the public to feedback or express views that you would usually discuss in a meeting. You could also do this before or after the meeting as a way of ensuring ongoing public engagement (there are a number of free tools available online)
- build in time to practice and prepare with the Clerk and Chairman in advance of the meeting

Face-to-face meetings

From May, as face to face council meetings resume there will still be the risk to attendees of COVID 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-metre 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

- 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](#)
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A reminder of the 'Six Month Rule'

A casual vacancy arises if a councillor does not attend meetings for six consecutive months. This rule has not been disapplied by the Covid-19 regulations. Attendance at either a council meeting, committee meeting or a meeting of another body at which the councillor represents the council will count.

Councillors can send their apologies to any meeting, along with a reason for their absence. A casual vacancy does not arise if, before the end of the six month period, the council approves a reason for the councillor's absence. The council cannot approve a reason for absence if no reason is given. Simply recording in the minutes that a councillor was absent is not approval for their absence.

The council cannot approve reasons for absence retrospectively. The council does not decide whether or not to apply the six month rule, the casual vacancy arises automatically. Neither can the clerk issue a dispensation for the six month rule.

This may well affect some of our councils. Please be aware that if you have an individual who has not attended any meeting for six consecutive months and has not had a reason for their absence approved by the council during that six month period, then they are no longer a councillor. If they continue to participate in council business then the council is open to being challenged.

If you are unsure about whether this applies to you and your council, then [please get in touch](#).

And finally, share your views with NALC...