

COVID19 – Guidelines for conducting Salterforth Parish Council Meetings

Updated 20th April 2020

24 MARCH 2020 NALC AND SLCC JOINT STATEMENT

Following the prime minister's announcement, we wanted to reiterate the importance of following the new rules on staying at home and away from others. This guidance impacts on all of us and there are the additional need to self-isolate or shield from contact depending on your situation. It essential that we all follow these rules to slow the pandemic and to support our NHS. Both NALC and the Society of Local Council Clerks (SLCC) are asking local councils to stop holding any physical meetings or gatherings during this time. This includes full council, committee meetings, annual parish or council meetings. These are extraordinary times, and they call for extraordinary measures. The health and safety of your staff, councillors and local communities should be your first concern.

3 APRIL 2020 L01-20 | THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020

Introduction

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. Separate legislation is anticipated for Wales.

This briefing will summarise the detail of the 2020 Regulations and what they mean for local councils. The briefing should also be read in conjunction with the NALC guidance on remote meetings, which considers more practical issues around the holding of electronic meetings. The term “local council” will be used in this briefing to refer to parish councils, town councils and councils using alternative styles.

Background to the 2020 Regulations

The COVID-19/ Coronavirus pandemic and the unprecedented in peacetime Government measures in response to the crisis (e.g. prohibitions on gatherings, social distancing, self-isolation and shielding of those deemed to be the most vulnerable) have meant that the requirement for local authorities to hold public meetings in person with all members present in one place cannot be met.

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”).

In recognition of the problem of holding and attending meetings, the Government included s.78 in the Coronavirus Act 2020. This section gave the Secretary of State the power to make Regulations to make provisions for the holding of meetings. The 2020 Regulations set out those provisions.

What are the main provisions for local councils?

The relevant Regulations for local authorities are as follows:

Regulation 2 – the 2020 Regulations apply to local authority meetings that are required to be held, or held, before 7 May 2021. The date could be brought forward if Government rules are relaxed.

Regulation 3 – parish councils in England are included within the definition of “local authority” in the 2020 Regulations. **Parish meetings are not included within the definition and, as such, there is nothing permitting them to meet remotely.** In NALC’s view, the current Government guidance means that parish meetings should not take place in person, including the annual meeting of the electors.

Regulation 4 – this provides that where an appointment would otherwise be made or is required to be made at an annual meeting of a local authority, the appointment continues until the next annual meeting of the authority or until such time as that authority may determine (Regulation 4 (2)). **This would apply to the election of the chairman, the first business at the annual council meeting. Therefore the current chairman will remain in place until an annual meeting is held (possibly next year) unless the council decide to elect a replacement earlier.**

Regulation 5 – this permits the holding of remote meetings. **The effect of the Regulation is that persons attending a local council meeting do not need to be in the same place.** “Place” means more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers (Regulation 5 (1)).

To attend a meeting remotely a member in remote attendance must meet specified conditions (see below).

Regulation 5 (6) also enables local councils to make standing orders to specify

1. how voting will be carried out,
2. how members and the public can access documents and
3. how remote access of the press and public by electronic means will take place.

Councils should make these decisions based on their own needs and capacity. Local factors such as broadband strength may also determine what methods they use.

See also the NALC guidance on remote meetings.

Regulation 6 – confirms that being present at a local council meeting includes being present through remote attendance. The Regulation also disapplies paragraph 7 of Schedule 12 to the 1972 Act.

This means there is no requirement for a parish council to hold its annual meeting although a council may do so if they so choose. However paragraph 8 of Schedule 12 has not been disapplied. **Paragraph 8 requires a local council to hold in a year not less than three meetings in addition to the annual meeting.** We believe this should also have been disapplied. The equivalent paragraphs have been disapplied for principal authorities (paragraphs 1 and 2 of Schedule 12).

Regulation 13 – s.1 (4) (a) of the 1960 Act has been amended so that **public notice of the time and**

place of the meeting is deemed to be given if published on the relevant principal authority's website.

In NALC's view the notice could be placed on the local council's website or in a prominent physical place to meet the advertising requirements contained in Schedule 12 of the 1972 Act.

Councils should take account of social distancing requirements before deciding to put notices in physical spaces NALC's view is that a council's decision making is unlikely to be challenged if it only places the notice on its own website.

Regulation 17 – confirms that a local council complies with Regulation 8 of the Openness of Local Government Bodies Regulations 2014 (decisions and background papers to be made available to the public) by making the written record and any background papers available for inspection by publishing them on their website; or by such other means that the council considers appropriate.

What are the specified conditions to enable local councils to meet remotely?

Regulation 5(2) of the 2020 Regulations provides that a member in remote attendance attends the meeting at any time if the member 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.

All of the above conditions must be satisfied.

These conditions allow members to join via a video link system or by telephone so long as every member can be heard by every other member and the public.

All members, clerk and other staff, and any members of the public will be in attendance for the purposes of the 2020 Regulations if they are in remote attendance. The provisions in Regulation 5 will apply notwithstanding any standing orders or rules to the contrary.

Holding Remote Meetings

FOREWORD On 4 April 2020, the government brought The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 into force to allow local authorities to conduct meetings remotely.

PLANNING AND PREPARATION This is very likely to be the first time your council has tried holding meetings remotely, and so planning and preparation will be key. Ideally, your aim should be for councillors and staff to be entering your first remote council meeting with confidence and clarity about how the meeting will run.

The clerk should make arrangements in advance or the council may wish to consider setting up a

small working group. Below you find some issues to consider. Which platform to use The remote meeting platforms section of this guide (see page five) provides a list of platforms that are available and may be good options for council meetings. This list is not exhaustive and it's worth spending a bit of time considering different options.

One factor that may affect your choice is the technology available to councillors and staff (e.g. if not everyone has a computer/laptop then you will want to pick a platform that allows individuals to join by telephone). What investment might be needed? It is possible to hold remote meetings at no cost to the council. Most platforms offer some free option for holding meetings. However, for a small investment you may be able to access additional functions that the council may feel are good value.

For example, most platforms impose a time limit on their free accounts that may be difficult for council meetings to adhere to. On top of the potential cost of the meeting platform itself, you may wish to consider investment in hardware.

For example, if some councillors do not have access to a laptop the council may consider purchasing this equipment. You should also consider individuals with specific needs (e.g. if someone has a hearing impairment then certain headphones may help them hear the meetings better). As part of your preparations you should contact councillors and staff to find out what technology they do have access to and any concerns or needs that they have. Any spending decisions will have to be made by the council bearing in mind your budget and ability to incur such costs. It is also worth remembering that this is only a temporary situation and at some point we will return to holding face-to-face meetings again. Large investments would not be advisable if they won't have long term benefits.

Holding a practice meeting Practice makes perfect – and this is particularly true when trying something new. If possible it is worth holding a practice meeting with all councillors and staff so that you can work out any technical issues and to see if your approach to voting and discussions does work for everyone.

Holding practice meetings might feel like an extra demand on everyone's time, but it will be much easier to work out bugs and issues in advance than to be struggling with them during the council meeting itself. How frustrating would it be to discover that you are not able to hold the council meeting due to technical difficulties you could have resolved in advance?

COUNCIL DISCUSSIONS AND VOTING In general you should try and keep to your usual approach to meetings and stick to your standing orders as much as you can. The council should remember this is a usual council meeting.

You should consider in advance how you will manage discussions and voting to allow the meeting to run as smoothly as possible.

Council discussions **The chairman of the council should still chair the meeting.** They should take the opportunity of any practice meetings to ensure they are confident following the agenda, managing input from councillors and staff, and keeping the meeting to time.

Some suggestions to aid this are: • Asking everyone to mute themselves when not speaking - this helps keep background noise to a minimum which will improve everyone's ability to hear the discussions. • If everyone is able to join by video then they could raise their hands when they wish to speak. • If some people cannot join by video then raising hands will not be an option. It also will make it harder to keep track of who is speaking.

In this scenario, the chairman could ask people to state clearly when they would like to speak. The risk with this is that people may wish to speak at the same time and so speak over one another, but in a small group this may be manageable.

Another option might be for the chair to read from a list of councillors names and ask them in turn if there is anything they wish to say or ask. This may take more time but allows for a more controlled approach.

- The chairman may ask everyone to state their name before they start speaking so that it is always clear who is speaking.
- How will you keep track of who is 'present'. It may be the case that some individuals have technical issues that mean that they 'leave' the meeting, for example their internet connection means that they are cut off. Some platforms are very clear on who is present, some are less clear. If you are not sure you would be aware of anyone accidentally dropping out of the meeting you might wish to do a quick 'roll call' before each item to ensure you are able to accurately minute who was present.

Voting There is no 'right way' to conduct voting in a remote meeting. You will have to find an approach that works best for the council. Some things to consider are:

- Will everyone be joining by video? If so then you could raise hands to vote as in a physical meeting.
- If you will not be able to see everyone then of course raising hands will not work. In this case you might do a roll call of councillors names and ask them to state their vote. Some platforms may allow other methods of voting eg stating a vote in a 'chat' function. Whatever method you choose, you should consider this in advance of the meeting and ideally practice it in advance too.
- You might also consider asking the chairman or clerk to read back the votes of the council so that everyone is sure their vote has been recorded correctly.
- Make sure every vote, whether visually or by telephone, is clear and unambiguous. Behaviours and conduct It is worth remembering that the required standards of behaviour and discussion are the same whether in remote or face-to-face meetings. These are difficult times and people may be worried about their health or family members, they may be frustrated being isolated at home, and there may be challenges with using new technology particularly if there are technical difficulties.

Everyone in the meeting will need to be respectful and compassionate towards one another, emotions may be higher than usual but that only makes it more important that everyone approaches the meeting with respect and in the spirit of the council's code of conduct.

Declaring Interests The council will need to consider how they will manage councillors 'leaving' a meeting if they have an interest and do not wish to be part of the meeting, particularly if they consider there will be negative public perception if they remain. It may be that the councillor with an interest, leave the meeting but agree, with the chairman a time to return to the meeting. Should the council need further time on a matter, another agreed time frame can be given.

PUBLIC PARTICIPATION Council meetings must still be advertised and the public have a right to observe. If you would normally allow public questions or input in your meeting then it is worth trying to keep this approach with remote meetings too. Different platforms have different options for how this can be achieved. Some allow the audience to speak whenever they wish, whereas others, give the council more control over who can speak when. It's worth keeping in mind that

there is the same risk of disruption to a normal council meeting as there is for a remote meeting. So it may not be necessary to be able to control the public's ability to speak, it is likely they will follow the rules of the meeting as they usually do.

The chair or clerk should also take a note who wishes to speak, from the public, to ensure that no one is missed out. This is key in rural areas with poorer broadband capacities, which can cause people to 'leave' meetings accidentally due to signal strengths. If there are parts of the agenda that are confidential then you will need to ask the public observers to leave as you normally would.

If you fear there is a risk of people accidentally joining the confidential item you might consider setting up a different meeting ID/log in that is not shared with the public for that item. Some platforms also allow meetings to be password protected. If you do have members of the public attending then take some time at the beginning of the meeting to explain to them how the meeting will run and how and when they can speak. This will help manage their expectations.

AFTER THE MEETING Minute taking should be done as usual with the clerk seeking clarity at any point, should it be needed. The minutes should be agreed at the next meeting and can always be retrospectively signed at the next face-to-face meeting. Once you have held your first remote council meeting it is worth taking a little time to reflect on how it went and what you might wish to change or improve for next time.

REMOTE MEETING PLATFORMS In this section you will find a range of meeting platforms with their advantages and disadvantages along with any pricing information to help your council make a decision on the best platform to use.

Google Hangouts <https://hangouts.google.com> This is a communication platform that can be used for messaging, video conferencing and calls. The Classic Google Hangouts is free. Google Hangouts

Meet is Google's paid video conferencing software — find out more at https://gsuite.google.co.uk/intl/en_uk/pricing.html Advantages: • It can be used on multiple devices including computers/laptops, Android and Apple devices. • Screen sharing options are available. • Participants can use the chat option whilst on the video call. Disadvantages: • For video conferencing there is a limit of up to 25 participants. • Participants must have a Gmail account.

GoToMeeting <https://www.gotomeeting.com/en-gb> This is HD video conferencing software that can be used for meetings and collaboration. Find out more about pricing at <https://www.gotomeeting.com/engb/meeting/pricing-ma> Advantages: • Meetings can be scheduled in advance. • Invitations can be integrated with Office 365 or Google Calendar plugins. • Participants can join meetings through 'call me' option • GoToMeeting can automatically call participants. • Screen sharing options are available. • Can host meetings with up to 250 participants. • Meetings can be recorded and meeting transcripts can be shared. Disadvantages: • The platform requires fast internet connection. • Older systems may struggle to operate GoToMeeting. • There are limitations with the free version — meetings can last 40 minutes and include three participants.

Microsoft Teams <https://products.office.com/en-gb/microsoft-teams/group-chat-software> This is a collaboration and conversational platform as part of Office 365. Find out more about pricing at <https://www.microsoft.com/en-gb/microsoft365/business/compare-more-office-365-for-business-plans> Advantages: • Within meetings you can share screens and record your meeting. • Participants can join meetings, without joining Teams by clicking on the email link. • Previous meeting notes and recordings can be accessed. • The platform allows for 250 participants.

Disadvantages: • The maximum PowerPoint size is 2GB. • There are limited features on the Microsoft Teams free platform compared to the paid Microsoft Teams. More information is available on Microsoft Support.

Skype <https://www.skype.com/en> This is an online communications tool that can be used with PC/laptop, mobile phone, tablet or web. Skype has HD voice and video calling which helps to host group meetings. Skype can also be used for instant messaging. Skype is free however calls to mobile or landline incurs a charge. Advantages: • Screen share is available, which can be used for PowerPoints, videos, pictures and on screen calls. • You can save calls and record your screen. • Conversations can be protected with end to end encryption. • Skype can be used to reach those without skype using telephone calling services.

Disadvantages: • There is a limit of 49 people joining group calls • Skype provides limited customer support.

Slack <https://slack.com/intl/en-gb> This is a collaboration hub which provides an alternative to email communication. It can be used for conversations as well as voice or video calls. Find out more about pricing at <https://slack.com/intl/en-gb/pricing> Advantages: • Screen sharing options are available. • Slack operates using channels which helps bring everything together in one place, such as documents and conversations. • Joining and starting calls is fairly straightforward. • Slack is known to be a secure platform for calls.

Disadvantages: • Slack has limitations with how many people can join a call. This is up to 15 people using the paid standard package. • There is a limitation to how many features are available on the free version.

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Zoom <https://zoom.us> This is a video conferencing platform. This can be used for meetings, collaborations and participants can also use the chat option. It also supports audio conferencing, allowing people to join by telephone as well. Find out more about pricing at <https://zoom.us/pricing> Advantages: • Participants can share screens with each other (e.g. share a PowerPoint presentation). • Meetings can be made securely. This includes having passwords and meeting IDs for participants to join meetings. • Meeting invitations can be added to Outlook Calendar, Google Calendar or Yahoo Calendar. • You can save the chat conversations. • Meetings can also be recorded for future reference.

Disadvantages: • The level of support you can receive from Zoom is dependent on the Zoom package being used. •