

2020 No. 392

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND AND WALES

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

<i>Made</i>	- - - -	<i>1st April 2020</i>
<i>Laid before Parliament</i>		<i>2nd April 2020</i>
<i>Coming into force</i>	- -	<i>4th April 2020</i>

The Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus Act 2020^(a) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011^(b), makes the following Regulations.

PART 1

General

Citation, commencement, extent, and application

1. These Regulations may be cited as the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and come into force on 4th April 2020.

2.—(1) These Regulations extend to England and Wales.

(2) Parts 1 and 4 of these Regulations apply to England and Wales.

(3) Parts 2 and 3 of these Regulations apply to England only.

(4) These Regulations apply to local authority meetings and police and crime panel meetings that are required to be held, or held, before 7th May 2021.

Interpretation

3. In these Regulations—

“the 1972 Act” means the Local Government Act 1972^(c);

^(a) 2020 c. 7.
^(b) 2011 c.13.
^(c) 1972 c. 70.

“local authority” means—

- (a) a county council;
- (b) a district council;
- (c) a London borough council;
- (d) the Common Council of the City of London;
- (e) the Greater London Authority;
- (f) the Council of the Isles of Scilly;
- (g) a parish council;
- (h) a joint board continued in being by virtue of section 263(1) of the 1972 Act;
- (i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984(a);
- (j) an authority established under section 10 of the Local Government Act 1985(b);
- (k) a joint authority established under Part 4 of the Local Government Act 1985;
- (l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004(c);
- (m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009(d);
- (n) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(e) or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act;
- (o) a National Park authority established under section 63 of the Environment Act 1995(f);
- (p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988(g); and
- (q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000(h);

“local authority meeting” means a meeting of—

- (a) a local authority;
- (b) an executive of a local authority (within the meaning of Part 1A of the Local Government Act 2000)(i);
- (c) a joint committee of two or more authorities;
- (d) a committee or sub-committee of anything within paragraphs (a) to (c);

“remote access” is to be construed in accordance with regulation 5(6)(c);

“remote attendance” is to be construed in accordance with regulation 5(2) and (3).

(a) 1984 c. 22.
(b) 1985 c. 51. There are amendments to section 10 which are not relevant to this regulation.
(c) 2004 c. 5.
(d) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1).
(e) 2004 c. 21. Sections 2 and 4 were moved under a new heading entitled “Combined fire and rescue authorities” by section 6 of and paragraph 4 of Schedule 1 to the Policing and Crime Act 2017 (c. 3). Section 4A was inserted by section 6 of and paragraph 5 of Schedule 1 to the Policing and Crime Act 2017.
(f) 1995 c. 25.
(g) 1988 c. 4. Section 1 was amended by S.I. 2005/1067.
(h) 2000 c. 37. Section 86 was amended by section 118 of and paragraph 23 of Schedule 7 to the Planning and Compulsory Purchase Act 2004 and by S.I. 2005/2847 and S.I. 2013/755.
(i) 2000 c. 22. Part 1A was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c. 20).

PART 2

Remote attendance

Meetings of local authorities

4.—(1) In respect of a reference in any enactment to a meeting of a local authority, that authority may, as they may determine—

- (a) hold such meetings and at such hour and on such days; and
- (b) alter the frequency, move or cancel such meetings,

without requirement for further notice.

(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.

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

(2) For the purposes of any such enactment, a member of a local authority (a “member in remote attendance”) 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.

(4) In this regulation any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

(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.

(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.

PART 3

Modification of meeting and public access requirements

Frequency of local authority meetings

6. Schedule 12 to the 1972 Act (meetings and proceedings of local authorities) applies as follows—

- (a) any reference to being “present” at a meeting includes being present through remote attendance;
- (b) 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 locations such as internet locations, web addresses or conference call telephone numbers;
- (c) paragraphs 1 and 7 are disapplied;
- (d) paragraph 2 is to be read as if—
 - (i) in subparagraph (1), for “in addition to the annual meeting, such other”, there were substituted “such”;
 - (ii) in subparagraph (2), “other” were omitted;
- (e) paragraph 4(1A)(a) is to be read as if after “at the council’s offices” there were inserted “or on the council’s website”.

7. The Greater London Authority Act 1999(a) applies as follows—

- (a) section 36(9) (standing orders of the Authority) is to be read as if for the words from “Neither” to “shall” there were substituted “Section 38 below shall not”;
- (b) section 47 (the annual State of London debate) is disapplied;
- (c) section 48 (People’s Question Time) applies as if—
 - (i) at the beginning of subsection (1), there were inserted “Subject to subsection (1A)”;
 - (ii) after subsection (1) there were inserted—

“(1A) Where regulations made under Part 2A of the Public Health (Control of Disease) Act 1984(b) are in force in respect of a serious and imminent threat to public health which is posed by the incidence and spread of coronavirus, a People’s Question Time may be cancelled where the head of the Authority’s paid service considers that it is not reasonably practicable to hold it.”;
- (d) section 52(3)(meetings of the whole Assembly)(c) is to be read as if for “On such ten occasions in each calendar year as the Assembly may determine”, there were substituted “On up to ten occasions in each calendar year as the Assembly may determine following consultation with the Mayor”.

8. Paragraphs 1 and 2 of Schedule 2 to the National Park Authorities (England) Order 2015 (meetings and proceedings of a National Park authority)(d) are disapplied.

9. Schedule 3 to the Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004(e) (meetings and proceedings of the Board) applies as follows—

- (a) paragraphs 2(2) and 3 are disapplied;
- (b) paragraph 6 (calling of meetings) is to be read as if—
 - (i) for subparagraph (2)(a) there were substituted—

“(a) notice of the time and place of the intended meeting shall be published on the website of the Board, and”;
 - (ii) in subparagraph (4), the words “Where a member and the chief officer agree in writing,” were omitted.

10. Schedule 3 to the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (meetings and proceedings of the Board) (f) applies as follows—

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- (a) 1999 c. 29.
 - (b) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
 - (c) Section 52 was amended by section 127(1) and (2) of and paragraph 69 of Schedule 7 and paragraph 1 of Schedule 8 to the Local Government Act 2003 (c. 26).
 - (d) S.I. 2015/770.
 - (e) S.I. 2004/1777.
 - (f) S.I. 2004/1778.

- (a) paragraphs 2(2) and 3 are disappplied;
- (b) paragraph 6 (calling of meetings) is to be read as if—
 - (i) for subparagraph (2)(a) there were substituted—

“(a) notice of the time and place of the intended meeting shall be published on the website of the Board, and”;
 - (ii) in subparagraph (4), the words “Where a member and the chief officer agree in writing,” were omitted.

11. Schedule 1 to the New Forest National Park Authority (Establishment) Order 2005(a) (meetings and proceedings of the Authority) applies as if —

- (a) in paragraph 2 (annual meetings and other meetings of the Authority) is disappplied;
- (b) paragraph 5 (calling of meetings of the Authority) is to be read as if—
 - (i) for subparagraph (2)(a) there were substituted—

“(a) notice of the time and place of the intended meeting shall be published on the website of the Authority, and”;
 - (ii) in subparagraph (4), the words “Where a member of the Authority and the National Park officer agree in writing,” were omitted.

12. Schedule 1 to the South Downs National Park Authority (Establishment) Order 2010(b) (meetings and proceedings of the Authority) applies as follows—

- (a) paragraph 2 (annual meetings and other meetings of the Authority) is disappplied;
- (b) paragraph 5 (calling of meetings of the Authority) is to be read as if—
 - (i) for subparagraph (2)(a) there were substituted—

“(a) notice of the time and place of the intended meeting shall be published on the website of the Authority, and”;
 - (ii) in subparagraph (4), the words “Where a member of the Authority and the National Park officer so agree in writing,” were omitted.

Public and press access

13. Section 1 of the Public Bodies (Admission to Meetings) Act 1960(c) (admission of public to meetings of local authorities and other bodies) applies as follows—

- (a) subsection (4)(a) is to be read as if, after “(or, if the body has no offices, then in some central and conspicuous place in the area with which it is concerned)” there were inserted “or publishing on the website of the body or, for a parish council, on the website of the principal council within the meaning of the Local Government Act 1972”;
- (b) after subsection (9), there were inserted—

“(9A) In this Act, references (however expressed) to—

 - (a) a meeting being “open to the public” 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;
 - (b) being “present” at a meeting include access through remote means mentioned in paragraph (a) above.”.

(a) S.I. 2005/421.
 (b) S.I. 2010/497.
 (c) 1960 c. 67.

14. Section 9G of the Local Government Act 2000^(a) applies as if after subsection (6) there were inserted—

“(7) In this section, references to a meeting being “open to the public” 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.”.

15. Part VA of the 1972 Act^(b) (access to meetings and documents of certain authorities, committees and sub-committees) applies as if, after section 100K (interpretation and application of Part VA) there were inserted—

“100L. Supplemental provision on public access to meetings and documents

In this Part references (however expressed) to—

- (a) a meeting being “open to the public” include access 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;
- (b) being “present” at a meeting include access through remote means mentioned in paragraph (a) above;
- (c) a document being “open to inspection” includes being published on the website of the council;
- (d) the publication, posting or making available of a document at offices of the council include publication on the website of the council.”.

16.—(1) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012^(c) has effect as set out in the following paragraphs.

(2) Regulation 2 (interpretation) has effect as if after the definition of “newspaper”, there were inserted—

““open to the public” includes access 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;”.

(3) Regulation 3 (meetings of local authority executives and their committees to be held in public), has effect as if after “held in public”, there were inserted “or open to the public”.

(4) The provisions to which this paragraph applies may be complied with by publishing that notice, agenda, report, or document on that authority’s website.

(5) The provisions to which paragraph (4) applies are—

- (a) regulation 5(2) (procedures prior to private meetings);
- (b) regulation 5(4);
- (c) regulation 5(7);
- (d) regulation 6(1) (procedures prior to public meetings);
- (e) regulation 7(1) (access to agenda and connected reports for public meetings);
- (f) regulation 9(2) (publicity in connection with key decisions);

(a) 2000 c. 22. Section 9G was inserted by section 21 of and paragraph 1 of Schedule 2 to the Localism Act 2011.

(b) Section 100K was amended by section 98 of the Local Government Act 2000, section 56 of and paragraph 16 of Schedule 8 to the Housing and Regeneration Act 2008 (c. 17) and by sections 222 and 231 of and paragraph 3 of Schedule 22 to the Localism Act 2011.

(c) S.I. 2012/2089.

- (g) regulation 10(1)(b) (general exception);
 - (h) regulation 10(3);
 - (i) regulation 11(2) (cases of special urgency);
 - (j) regulation 14(1) (inspection of documents following executive decisions); and
 - (k) regulation 15 (inspection of background papers).
- (6) The following provisions are disapplied—
- (a) regulation 14(2);
 - (b) regulation 21(1)(c) (inspection and supply of documents); and
 - (c) regulation 21(2).

17. A local authority may comply with regulation 8 of the Openness of Local Government Bodies Regulations 2014^(a) (decisions and background papers to be made available to the public) by making the written record and any background papers available for inspection through any or all of the following means—

- (a) publishing the record and any background papers on the authority’s website; or
- (b) by such other means that the authority considers appropriate.

PART 4

Police and Crime Panels

Amendment to the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012

18.—(1) Schedule 1 to the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012^(b) is amended as set out in the following paragraphs.

(2) In Part 1, after paragraph 8 insert—

“8A. Regulation 15 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.”.

(3) In Part 2, after paragraph 23 insert—

“23A. Part 2 and Regulations 6 and 15 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.”.

(4) In Part 3, after paragraph 37 insert—

“37A. Part 2 and Regulations 6 and 15 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Christopher Pincher

Minister of State

1st April 2020

Ministry of Housing, Communities and Local Government

^(a) S.I. 2014/2095.

^(b) S.I. 2012/2734

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conduct of local authority meetings held before 7th May 2021, and for public and press access to these meetings.

Part 1 sets out preliminary matters and defines terms used in the Regulations. Part 2 makes provision for remote access to meetings of local authorities by members of a local authority and by the press and public. Regulation 4 enables local authorities to hold and alter the frequency and occurrence of meetings without requirement for further notice. Regulation 5 makes provision for members of local authorities to attend meetings remotely.

Part 3 modifies existing legislative requirements for local authority meetings. Regulation 6 disapplies provisions requiring local authorities to hold annual meetings. Regulation 7 modifies requirements for annual meetings of the Greater London Assembly and disapplies the requirements to hold certain public meetings. Regulations 8 to 12 modify legislation for the specified conservation boards and National Parks authorities to disapply annual meeting requirements and to enable electronic notice of meetings. Regulations 13 to 17 modify legislation relating to public and press access to information relating to decisions made by local authorities to enable such access to be available through remote means.

Parts 1, 2 and 3 of these Regulations apply to the Common Council of the City of London in its capacities as a local authority, a port health authority and a police authority.

Part 4 amends the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 in order to apply part of these regulations to Police and Crime Panels.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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