

17 JUNE 2021

## **PR 13-21 | REMOTE MEETINGS CALL FOR EVIDENCE**

The National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 10,000 parish and town councils and many parish meetings in England, 70% of which are situated in rural areas. Local (parish and town) councils are the backbone of our democracy and closest to local people, providing our neighbourhoods, villages, towns and small cities with a democratic voice and structure for action, contributing more than £2 billion of community investment to supporting and improving local communities and delivering neighbourhood level services.

### **Key messages**

- Over the last year, local councils have stepped up to support their communities and play their part in the nation's response to the pandemic.
- The holding of remote meetings of local councils and their committees under the 2020 COVID-19 regulations has worked very well.
- Remote meetings have been popular both with local councils and with their wider communities, in allowing easy (digital) access without the inconvenience and cost of travel to central venues. This has also hugely increased attendance at local council and committee meetings.
- Regrettably, the legislation does not permit the continued use of remote meetings of local authorities, while the country remains in the pandemic, with restrictions on public gatherings and significant constraints on the use and availability of community meeting spaces.
- During the pandemic and into the future, we believe that councils should lawfully have the flexibility to hold remote meetings, or face-to-face meetings, or combinations of the two.
- We, therefore, call upon the government urgently to put in place new legislation to give councils that choice.
- Over the last year, the ability to hold remote meetings has delivered extensive benefits including leading to increased participation and engagement by members of the public with their most local council and the decisions they make about their local areas from tackling climate change to improving health and wellbeing and the provision of highly valued local services.
- The case for permanently extending the legislation to allow local councils to hold remote meetings into the future is clear, the benefits extensive. We

do not understand why the government decided to consult on this matter so late in the day when all local government bodies including the Local Government Association, District Councils Network and County Councils Network, Lawyers in Local Government (LLG), Centre for Scrutiny and Governance and Association of Democratic Services Officers (ADSO) had also been calling on the Ministry of Housing, Communities and Local Government (MHCLG) to act on this from the end of 2020. This is why NALC was pleased to support the High Court action by Hertfordshire County Council, ADSO and LLG.

- The government have placed local councils in not only an untenable position, but an unequal position compared to parliamentary functions and we understand Parliament can continue to meet and vote virtually until 21 June, an extension of some 6 to 7 weeks beyond when local councils can legally convene and act in a virtual format.
- More than that, local councils and all local authorities should permanently have the flexibility to hold remote meetings whenever they wish, without having to ask the permission of central government.

NALC's answers to the consultation questions are as below.

**Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?**

Very well. We feel that the original inclusion in 2020 of local councils in the Coronavirus emergency legislation to allow them to hold remote meetings was very sensible and since that point, almost all local councils have enjoyed holding remote meetings and seen the benefits of doing so. This has increased the transparency of decision-making processes and the equity of access for councillors and the public. Since the recent court case has not prevailed in our favour, we think MHCLG should as a matter of urgency amend the relevant section of the Local Government Act 1972 to make the provisions permanent for local councils and all local authorities and to allow local councils to hold remote meetings.

Yet the government now whilst still during the pandemic is removing the ability of local councils to continue to convene virtual meetings at a time when it is neither safe nor practical to continue to meet and therefore provide functional local government. To further complicate matters this ability to meet virtually is being removed at year-end and when the Annual Governance and Accountability Return needs to be completed which has its own set of statutory deadlines which have to be met.

**Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?**

Yes. All levels of local government should have the express ability to hold virtual and hybrid meetings permanently. As democratically elected and accountable local institutions, councils should be able to decide for themselves which meetings or circumstances under which a meeting can be in person, virtual or hybrid. We agree that the benefits of doing so are universal and permanent including the environmental and cost benefits of reduced travel, increased participation from local residents, and the potential to attract more diverse people to become councillors.

**Q3. What do you think are some of the benefits of the remote meetings arrangements?**

We completely agree with the bullets provided by MHCLG within the consultation document as to the benefits for local councils of holding remote meetings permanently from now on:

- More accessible for councillors;
- Reduction in travel time for councillors;
- Meetings more easily accessed by local residents;
- Greater transparency for local council meetings;
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online;
- Easier to chair meetings in an orderly fashion; &
- A virtual format promotes greater equality in speaking time during meetings.

In essence, we think it would be sustainable, necessary and desirable for MHCLG to continue these benefits of holding remote meetings from now on, permanently for local councils.

**Q4. (For local authorities only) Have you seen a reduction in cost since implementing remote meetings in your authority?**

While NALC is not a local authority we have heard from our member councils that remote meetings have reduced costs for local councils such as for travel, lighting and heating, and printing.

**Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/ overcome? Please select all that apply.**

We do not believe there are any disadvantages at all for local councils and local authorities to be able to hold remote meetings permanently, at their discretion from now on, without having to seek the permission of central government to do so.

**Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?**

There are no advantages (certainly at the moment) to local councils and councillors being forced to hold physical meetings after 7 May. We feel that the decision to not extend this legislation is a significant step backwards and will result in endangering councillors, clerks and members of the public.

However, we do recognise that it will be advantageous for councils and committees to meet face-to-face from time to time, in order to build a stronger rapport among members. We suspect that new councillors in particular would appreciate the chance to get to know their new colleagues 'in the flesh'.

**Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?**

Councils should be able to decide for themselves which meetings they should have the option to meet remotely. Councils are best placed to decide when and how meetings should be convened to meet the needs of their communities. Local councils are currently governed in the main (there are many other pieces of legislation that we rely on) by the 1972 Local Government Act (LGA, 1972) which is now very outdated. The recent changes enacted as a result of the COVID-19 pandemic have allowed local councils to move forward into the 21st century. Moreover, the outdated legislation governing remote meetings is the tip of the iceberg of numerous archaic rules and regulations which local councils must adhere to which are now an anachronism and should be urgently reformed. To not allow remote meetings to continue is as far as NALC is concerned a huge step backwards. There have been specific problems and queries for local councils being able to hold their annual meeting of electors in 2021.

**Q8. If permanent arrangements were to be for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?**

In all circumstances. Further, it should be noted that the hosting of online meetings has increased engagement with the other levels of local government as it is easier for principal authority councillors to also attend a virtual local council meeting rather than driving long distances to attend meetings (ADSO estimate that some county councils have saved up to £70,000 during lockdown due to reducing councillor traveller expenses). It has also allowed local councillors and members of the public who would have formerly been unable to attend meetings for example due to caring responsibilities to be present in an online format.

**Q9. Would you have concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?**

No. In terms of duty of care and safety of councillors, members of the public and clerks, to force local councils to return to face to face meetings now when the COVID-19 pandemic is still in progress is asking people to take risks that seem unnecessary and unreasonable. Therefore all local authorities and councils should have the right to decide when to hold remote meetings now and permanently.

**Q10. If yes, do you have any suggestions for how your concerns could be mitigated / overcome?**

N/A

**Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?**

It would be particularly benefit local councillors with caring responsibilities and disabled councillors (see 8).

For further information on this response contact Chris Borg, policy manager, on 07714 771049 or via email at [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk).