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30<sup>th</sup> March 2021

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# LALC guidance on meetings to be held from May 2021



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## Annual meeting of Council

Your council needs to consider how meetings from May 2021 will be held. The annual meeting of council must be held this year in May<sup>1</sup>. MHCLG has [announced](#) that legislation allowing councils to hold remote meetings<sup>2</sup> will not be renewed and will expire on 7<sup>th</sup> May.

The [legal challenge](#) from Hertfordshire CC, LLG and ADSO is not likely to be heard until the second half of April. If the outcome of the challenge isn't known when your council meets, you should plan for decisions which relate to each scenario below. You may choose to make several resolutions which are conditional on the results of the challenge.

**LALC's first response to all councils is to:**

- 1. consider holding your annual meeting on or before 6<sup>th</sup> May;**
- 2. make sure delegated powers are in place from that meeting for the clerk to continue to conduct business until such point as you can safely hold another meeting.**

We recognise that your council may not believe itself to be in a position to meet remotely in May before the expiry of the legislation. Before you decide that this is the case, we recommend that the following scenarios be considered by your council during your April meetings.

In all situations, you should refer to [Guidance on the safe use of council offices](#) – updated 25<sup>th</sup> March 2021

**The government decision not to extend the legislation allowing remote meetings has placed us all in an uncertain situation. You may need to revisit this issue as circumstances change. LALC can offer advice but decisions regarding your own meetings can only be taken by your council.**

MHCLG have asked for evidence about remote meetings. **Please take the opportunity to pass on your experience and comments.** [Call for evidence seeking views about the current arrangements for local authorities to meet remotely](#) closes 17<sup>th</sup> June 2021

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<sup>1</sup> Local Government Act 1972 Part 2(7)(2)

<sup>2</sup> The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020



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## Scenario 1

can take effect before the expiry of the current legislation and does not depend on the legal challenge from Hertfordshire CC, LLG and ADSO

**You may hold your annual meeting of council remotely before the legislation expires.**

Available dates are the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> May only. This may be a change from your usual date.

**Possible proposal for your meeting:**

- that the annual meeting of council be held remotely on ..... (date on or before 6<sup>th</sup> May)

*The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening<sup>3</sup>.* This permits meetings to be held during the day. For clerks who work for several councils, this may allow you to attend annual meetings at different times during the day.

See notes to Scenario 2 regarding platforms for remote meetings. Your subscription may have run out by the time you hold your annual meeting. You may decide to hold a free meeting and reconnect if necessary.

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<sup>3</sup> Local Government Act 1972 Part 2(7)(3)



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## Scenario 2

would take effect if the legal challenge from Hertfordshire CC, LLG and ADSO is successful

### **Remote meetings can continue to be held.**

- Your council can plan to return to physical meetings later.
- Your current remote platform subscription may expire soon so your council will need to decide which platform to use.
- LALC may take out a multi-use subscription to Zoom which your council may take advantage of prior to or after your meeting in May. If you decide to go with this, it would be extremely helpful to LALC to know as soon as possible.
- Your council may arrange your own subscription to Zoom or another platform.
- If your council has not arranged a platform subscription at the time of your annual meeting, you may choose to use a free meeting on that occasion and reconnect if the 40-minute time limit runs out.

### **Possible proposals for your meeting:**

- that should the legal challenge from Hertfordshire County Council, Lawyers in Local Government and Association of Democratic Services be successful, the annual meeting of council be held remotely on .... (named date in May)
- that should the legal challenge from Hertfordshire County Council, Lawyers in Local Government and Association of Democratic Services Officers be successful, delegated authority be given in advance to the clerk to arrange a subscription to a remote meeting platform.



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## Scenario 3

would take effect if the legal challenge from Hertfordshire CC, LLG and ADSO is unsuccessful

**Remote meetings may not be held and your council can only meet physically from 7<sup>th</sup> May.**

Your council may need to consider the following questions. Some of these options may involve a change from your usual practice.

1. Can you hold an annual meeting remotely on or before the 6<sup>th</sup> May?
2. Can you hold a face-to-face annual meeting on or before 16<sup>th</sup> May? [Government guidance](#) suggests that this is not possible and you should wait until 17<sup>th</sup> May.
3. Can you hold a face-to-face annual meeting between 17<sup>th</sup> May and 31<sup>st</sup> May when we should move to the next stage of the roadmap?

In all situations involving a face-to-face meeting, consideration will need to be given to the following questions:

4. Can all members of council confirm that they are in good health, physically able and willing to meet with others in a face-to-face meeting?
5. Can all members of staff who would routinely attend a council meeting confirm that they are in good health, physically able and willing to meet with others in a face-to-face meeting?
6. Is a venue available that can safely accommodate all members of council, sufficient members of staff to service the meeting, regularly invited representatives from other elected bodies and unknown number of members of the public?
7. Has a satisfactory COVID-19 risk assessment been carried out and approved for the designated venue?

You need to make a decision which satisfies the Local Government Act 1972 and the staged roadmap out of lockdown but also meets the needs of your members of council, staff and community. Your clerk will need to create a plan for how your meeting is run which pays close attention to all guidance from the government and other relevant agencies. Government guidance recommends that public access to physical meetings is provided remotely until 21<sup>st</sup> June. You would need to consider whether you can provide this access.

You may not be able to identify a named venue with availability on a given date at your April meeting. In this case, you may need to leave the decision with your clerk.



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## Venues

We are receiving queries relating to venues. We cannot give a definitive answer that suits every council in every location. In the first instance you are likely to consider your usual meeting place. However, you may have other options available to you. You would need to consider these options within your council and discuss with the owners or managers of the building concerned. You may need to go outside your normal expectations and be more creative in how you consider locations.

- Other community venues within your parish or town. This may include buildings which your council manages or which are operated by other organisations.
- Buildings which have larger capacity. This may include buildings used for religious purposes, church halls and similar, schools, sports centres and halls, function rooms.
- Venues outside your parish or town<sup>4</sup>.

There may be an additional cost to your council to use such a venue but this would have to be considered against the risk of not meeting at all or of meeting outside permitted legislation. You may also be able to offset this cost against any savings made by not meeting since March 2020.

Under normal circumstances, premises serving alcohol may not be used for meetings unless no other suitable room is available either free of charge or at a reasonable cost<sup>5</sup>. If no other venue is available, this may be a situation where you could consider meeting in a pub, club, hotel or similar.

Outside locations have been suggested; this may be an option if you can meet all criteria for safe meetings but will depend on the weather.

### **Possible proposals for your meeting depending on your decision:**

- that should the legal challenge from Hertfordshire County Council, Lawyers in Local Government and Association of Democratic Services Officers be unsuccessful, the annual meeting of council will be held remotely on ..... (date up to 6<sup>th</sup> May)
- that should the legal challenge from Hertfordshire County Council, Lawyers in Local Government and Association of Democratic Services Officers be unsuccessful, the annual meeting of council will be held in .... (named venue) on ..... (named date between 17<sup>th</sup> and 31<sup>st</sup> May)
- that should the legal challenge from Hertfordshire County Council, Lawyers in Local Government and Association of Democratic Services Officers be unsuccessful, the annual meeting of Council will be held in a venue to be arranged on a date to be arranged between 17<sup>th</sup> and 31<sup>st</sup> May.

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<sup>4</sup> Local Government Act 1972 Part 2(7)(10),

<sup>5</sup> Local Government Act 1972 Part 2(7)(10),



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## Scenario 4

would take effect if the legal challenge from Hertfordshire CC, LLG and ADSO is unsuccessful **and** your council believes it is unable to hold an annual meeting in May in accordance with legislation.

**You are unable to hold a remote annual meeting on or before 6<sup>th</sup> May.**

**You are unable to hold a face-to-face annual meeting safely on another occasion in May.**

LALC **does not recommend** any of the situations within this scenario but acknowledges that your council may wish to consider them. In each case, you would need to think about the implications and the consequences that would arise.

- You do not hold an annual meeting of any description in May.
- You hold a remote annual meeting on a date after 7<sup>th</sup> May when the legislation permitting this has expired.
- You hold a face-to-face annual meeting in May that does not meet a COVID-19 risk assessment or does not allow for adequate distancing and protective measures.

In all of these situations your council would be acting outside permitted legislation. In the third example you would potentially put councillors, employees and members of the public at increased physical risk. Decisions made at a meeting held under these circumstances would be questionable and open to challenge.

**After considering this guidance in full, if you still think that you will be unable to hold an annual meeting safely, please contact Katrina for advice as soon as possible.**



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## What happens next?

You need to consider what happens with other meetings of your council and committees from 7<sup>th</sup> May onwards. You need to think about the same issues relating to remote and physical meetings. You would normally expect to set your schedule of meetings in May. You may choose to discuss these considerations in April or leave it until May when hopefully you will know what the situation is.

- You have a duty of care to members, staff and members of the public. Your decisions should be based around what works for your community and all the people involved.
- Please see the notes from Personnel Advice and Solutions earlier in this newsletter relating to staff returning to work.
- Meetings must accommodate members of the public should they wish to attend.
- Your council is required to meet a minimum of four times per year including the annual meeting. Do you need to meet every month?
- Physical meetings are likely to require more staff time to prepare for, set up and close down each meeting.
- Can you use delegated authority for some activities? Do you need to amend your scheme of delegation?
- Can your council use committees rather than full council for some decisions to reduce the number of people attending?
- How many times do your committees need to meet?
- Can your council use working groups for some tasks which will report back to council if you meet less regularly? Think about the terms of reference you can give these groups.
- If remote meetings are allowed, are hybrid meetings an option for your council?
- Do you have the equipment, technical expertise and reliable broadband to allow remote access for members of the public while councillors meet face-to-face?

## Annual Parish Meeting

The normal period during which this meeting can be held is 1<sup>st</sup> March to 1<sup>st</sup> June

- You may already have held this meeting remotely.
- Your council still has the option to hold this meeting remotely in April or up to 7<sup>th</sup> May.
- You may hold a face-to-face meeting after 17<sup>th</sup> May if your venue can accommodate participants safely.
- You may choose to wait until after 21<sup>st</sup> June when venues may be in a better position to hold meetings with more people attending.
- Waiting until 21<sup>st</sup> June falls outside the usual period for an annual parish meeting but it is unlikely that a meeting at this point would be challenged.
- A parish meeting can be called at any point throughout the year so you could choose to hold a meeting at a time that suits you. This meeting could include agenda items that might normally be presented at the annual parish meeting.