



CORNWALL ASSOCIATION OF LOCAL COUNCILS

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Serving the parish and town councils of Cornwall

CALC BRIEFING – VIRTUAL OR REMOTE MEETINGS

April 22nd, 2020

The legal framework for local council meetings require that all council meetings are open to the public and that unless confidential, that the public can watch the debate and see the decisions made for their area.

To manage the impact of social distancing, councils were unable to meet physically i.e. all members and the public in one physical place. Wherever possible councils moved to adopt a scheme of delegation to the Clerk to allow decisions to be taken during the emergency. The purpose of the delegation was to protect the council whilst the law did not allow decisions to be taken outside of properly convened physical meetings.

The legislation has now been changed and local councils are now expected to meet regularly using technology rather than relying on the delegation in lieu of holding meetings during the Covid19 pandemic.

We are aware of many councils who are intending to rely on the scheme of delegation but the following points should be considered :

- i) Many councillors have found themselves in the protected categories and even if there is a swift return to physical meetings are unlikely to be able attend. Remote meetings will allow these councillors to continue play an active part in the work of the council.
- ii) The law still allows 2 councillors to demand a council meeting and this request would have to be fulfilled now that a remote meeting is possible.
- iii) The legislation permitting remote attendance by members and members of the public remains in place until May 2021. The council will be required to offer remote access to meetings even when it decides to return to physical meetings as its first choice.
- iv) The council can choose to reduce the number of meetings whilst there is little or no business to transact and rely on a scheme of delegation between meetings.
- v) If the council decides to rely solely on a scheme of delegation instead of meeting it may be challenged or criticised as there is now a statutory mechanism for holding remote meetings.

Standing Orders for remote meetings

The new regulations which permit remote or remote meetings also require amendments to your council's standing orders. We have prepared a supplement

with explanatory notes and would recommend that your council adopts the supplement using the following resolution :

To resolve to adopt supplementary Standing Orders to meet the statutory requirements for the holding of remote meetings, and this lasts until May 7th, 2021 or the repeal of legislation whichever is the earlier.

This will ensure that your standing orders conform with legislation for the period of the legislation without requiring significant amendments again at a later date.

The documents are now available on our website under the coronavirus tag [here](#)

Which software and IT should we use?

It is up to your council to decide how to facilitate remote meetings but the software must allow for public access to the meeting. It must also provide an option for telephone participation for those who for whatever reason cannot use a device with a webcam.

There are a variety of packages available and the Local Government Association has produced some guidance which compares the different options available and highlights the pros and cons of each platforms. Access the site [here](#) to access the document and some other useful articles on remote meetings.

If you choose to use Zoom we have been advised that you should check your security settings. The site operates from the USA and your data will be held on servers outside of the EU; any legal dispute on breaches of data would be held in California under US law or the council could be held liable.

Attendance at meetings and the six month rule

Attending remote meetings, getting to grips with the technology or debate on the phone will be challenging. The council will have to start meeting in this new format at some point as there are still some statutory functions which have to done 'in public'. The government does not believe that councils should avoid meeting to accommodate a reluctance to use the new technology and the following points may be helpful :

- Every councillor is part of the decision-making process which takes place at meetings. The council should consider how to 'ease' into remote meetings and support members and clerks who are struggling with the concept.
- A member of the council is deemed to present at any meeting of the council where they can be heard and ideally seen i.e. phone or video link with/without a camera.
- Councillors have signed a declaration of office to attend meetings of the council as and when required. Councillors unwilling to attend meetings in the new format will be counted as absent from the meeting and will lose their seat after six calendar months unless the council grants an extension to their apologies for a significant reason. We are being advised that choosing not to attend because of the remote format is not a suitable reason.

Northamptonshire CALC mock remote meeting

The CALC is currently working with other County Associations to find best practice but our colleagues at Northants CALC have produced a video of a trial meeting which you may find interesting. It has been designed to allay some of the concerns about remote meeting and can be watched on YouTube at the following link :

<https://www.youtube.com/watch?v=AN56Xe2Nt8I>

Best Practice

There are many organisations now offering guidance on running meetings on line.

If you find some good examples, please share with the CALC so that we can let others know. We understand that at this time, council meetings may seem too difficult and a step too far, but those councils who have started to meet are reporting that it is not as bad as they thought; some even find the new format easier as meetings are shorter and more focussed.