



## CORNWALL ASSOCIATION OF LOCAL COUNCILS

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*Serving the parish and town councils of Cornwall*

### CALC BRIEFING – FAQ 13

#### CALC GUIDANCE ON LOCAL COUNCIL MEETINGS

**September 9<sup>th</sup>, 2020**

Over the last six weeks we have been asked many times whether local councils were able to hold physical meetings; members are keen to return to face to face debate. However, just as a few councils were considering a return to some physical meetings, the Government has announced a return of restrictions limiting meetings both indoors and outdoors to no more than six people. The change comes into effect from **Monday, September 14<sup>th</sup>, 2020** and there will be fines for those organising and attending any gathering of more than six people.

We have prepared a number of simple FAQs below which will help your council understand the impact of the changes.

#### **Why are local councils affected by these changes?**

There are a number of reasons why these changes affect your meetings including

- i) All councillors have a right to attend council meetings. Where you have more than 5 councillors it would be unlawful to remove this access.
- ii) Local council meetings have to be open to the public and the public notice is an invitation to all to attend.
- iii) Public access cannot be withheld unless the council resolves to exclude the press and public. The 1960 Public Bodies (Admission to Meetings) Act requires the council to have a reason why the item of business is confidential – the legislation cannot be used to cover non confidential matters.
- iv) As an employer the Council must ensure that their employees have safe and healthy working conditions. It would be unlawful to insist that the clerk should attend a physical meeting during the new restrictions.

#### **We have a physical meeting scheduled for next week – are we able to continue?**

**No** – From Monday it will be unlawful to hold meeting where more than six people could attend and this will include local council meetings regardless of any Covid-19 measures which you have put in place.

**The meeting venue is large and we are able to put in place Covid-19 measures – can we still meet?**

**The community hall is still happy for us to hold a meeting – can we go ahead?**

**No** – the changes limit the number of people able to attend a meeting/event.

**Can we hold our meeting outside i.e. in a local car park/recreation ground?**

**No** – the changes apply to indoor and outdoor gatherings and therefore you cannot meet outdoors.

**We want to hold a site visit with 3 councillors and the applicant – can we go ahead?**

Any site visit can only take place with the permission of the land owner. As a site visit is not open to the public, they may be happy to allow limited access to the plot provided that the total number of people does not exceed six. Local councils must use their judgement to decide whether it is appropriate to continue with this type of meeting at this time when the guidance is clearly about social distancing.

**Do local councils meetings count as a ‘business’ meeting?**

**No** – local council meetings are public meetings and are open to all who wish to attend whether they live in or outside of the parish. A council meeting is not classified as a business meeting under the new regulations.

**Business meetings – playground inspections, managing staff and contractors etc.**

The workplace and work based activities are exempt from the new restrictions but employers must ensure that there are Covid-19 measures in place. [Working safely during Coronavirus](#) explains the steps which you will need to make for these meetings to be appropriate.

**How does this affect the public rights of inspection of our accounts?**

This is classed as a business meeting but the council should try and work with the public to find other ways of making the accounts available on request including .pdf files (redacted for personal information),

**CALC FAQ 12** discussed how to hold a virtual meeting of the council. It is likely that there will be a further set of announcements including a number of exemptions before the regulations come into force next week and we will endeavour to update you as soon as we know more.

Sarah Mason  
County Executive Officer