



CORNWALL ASSOCIATION OF LOCAL COUNCILS

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Serving the parish and town councils of Cornwall

FAQ 12 - CALC GUIDANCE ON LOCAL COUNCIL MEETINGS

August 13th, 2020

This guidance note attempts to summarise the existing position in relation to the future of local council meetings in line with the easing of restrictions on the use of public buildings and social distancing.

It is important to stress that the restrictions are in place to address a public health issue, keep people safe and stop the virus from spreading. We recognise that the virtual format is not a comfortable experience for everyone and that some members will feel excluded from this type of meeting.

The CALC asks for your patience by not returning to physical gatherings until it is safe to do so – which is not yet.

Virtual Meetings

The 2020 Coronavirus Act and subsequent regulations allow local councils and parish meetings to hold their council meetings on-line using either video or audio-conferencing including telephone dial in. In some circumstances individual members are inviting another councillor into their home to participate in the council meeting online. This is a personal choice but where possible does allow those who feel unable to attend virtually to be part of the meeting.

For a meeting to be lawful, the public must be able to hear and be heard and preferably to see and be seen. It is not necessary for individual cameras to be turned on, but are encouraged to do so. The CALC has published top tips for virtual meetings and this is available on our website.

The public notice for the meeting must state that the meeting will be held virtually, naming the software platform i.e Zoom/Teams/GoToMeetings with the link to be able to watch the meeting. If your council streams the meeting live on social media, the notice must also include how the public can watch by giving the link to the virtual site where the meeting is being screened i.e. Facebook/website/YouTube. The notice should also ask the public to contact the Clerk if they wish to speak during the public session. Councillors are reminded that the code of conduct extends to their behaviour at virtual meetings and that they should dress appropriately and not consume alcohol during the meeting.

The legislation for virtual meetings will last until May 7th, 2021 and CALC has issued a supplement to Standing Orders to cover the changes until then.

Some councils have reported connectivity issues with low broadband width. If this affects your area you may wish to consider audio conferencing using Whypay as an option.

Physical Meetings

The Government advice is still that ‘the more people you have interactions with, the more chance the virus has to spread’. It asks people to ‘limit the number of people they see – especially over short periods of time. The risk of transmission is higher indoors, so you should take extra care to stay as safe as possible.’

Below is a summary of the restrictions which are currently in place

- you should not socialise indoors in groups of more than two households or interact socially with anyone outside of your own group also attending a place.
- You should not interact socially with anyone outside the group you are attending a place with, even if you see other people you know, for example, in a restaurant, community centre or place of worship
- You should not hold or attend celebrations (such as parties) where it is difficult to maintain social distancing and avoid close social interaction – even if they are organised by businesses and venues that are taking steps to follow COVID-19 Secure guidelines
- you are required to wear face coverings in public indoor settings such as museums, galleries, cinemas, places of worship, and public libraries and community buildings
- you are strongly encouraged to wear face coverings in any other enclosed public spaces where people do not normally meet.
- A local council should only consider holding a physical meeting if the meeting cannot be achieved by any other means and the issue is so urgent that it cannot wait. If this is the case, then the council must undertake a risk assessment and ensure that Covid-19 measures are in place.
- The regulations on virtual meetings were extended to authorities left out of the initial document to ensure that they did not meet at present, indicating a continued request from Government not to hold physical council meetings.

An essential meeting must be something which could not be achieved by any other means and should only be considered if a Covid-19 risk assessment has been undertaken and the necessary safeguards can be put in place.

As the county has reopened, there has been a lot of publicity about the impact of a lack of social distancing and irresponsible behaviour. The role of the council is to give leadership in the community.

Public Health continue to advise that the virus is present in Cornwall and that it is still too early to hold non-essential public meetings. The CALC supports this message and our advice remains that it is still too early to consider holding physical council meetings and inappropriate for local councils to meet either indoors or outdoors at this time.

Hybrid Meetings

The legislation for virtual meetings will remain in place until at least May 7th, 2021. It is expected that at some point before then councils will be able to resume physical meetings. At that time councils will have the option to hold mixed meetings with some members in the same physical space i.e. meeting room, and others attending via a virtual link i.e. Zoom/Teams etc. This mixed format is known as a hybrid meeting and must meet the tests for both the physical and virtual meetings.

- i) The physical meeting venue and format must comply with a full Covid-19 risk assessment including social distancing, cleanliness of hard surfaces and personal hygiene.
- ii) The virtual meeting must be arranged so that all members of the council can be heard and can hear what is being said.
- iii) The regulations also require that the public can hear all members of the council and this will be more difficult for those attending the physical meeting and wearing masks to comply with the law.
- iv) Members of the public are able to attend the physical meeting or to view the meeting over the normal virtual channels.
- v) The meeting arrangements must ensure that all those attending are able to participate fully in the business of the meeting.

Calling the meeting

The 1972 Local Government Act Sch 12 10 states that the public notice and the summons must give the venue for the meeting. It is this notice which establishes the 'venue' (virtual, physical or hybrid), and the format cannot be changed after publication of the notice.

The 6-month rule

As previously advised, a member who fails to attend any meeting of the council for a period of 6 calendar months automatically loses their seat unless the council has agreed to a request for an extension at a properly convened meeting. Members giving apologies for absence is not the same as asking for an extension of the period of absence and therefore those who have sent apologies rather than attend a virtual meeting will be caught out under the legislation. NALC advises that the six-month period runs regardless of whether the council has met or not.