



Ministry of Housing,
Communities &
Local Government

Luke Hall MP

*Minister of State for Regional Growth and Local
Government*

**Ministry of Housing, Communities and Local
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25 March 2021

Dear Colleague,

LOCAL AUTHORITY MEETINGS

It is just over a year to the day since the Prime Minister asked us all to stay at home, and local authorities across England have risen magnificently to the challenges of this period. There has been a dramatic shift in your day-to-day operations, alongside new difficulties and demands, and I commend the efforts of all councillors and officers in supporting your communities and ensuring vital business continues during these unprecedented times.

As you will be aware, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 do not apply to meetings on or after 7 May 2021.

Extending the regulations to meetings beyond May 7 would require primary legislation. The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time.

As outlined in the Government's Spring 2021 Covid-19 Response, our aim is for everyone aged 50 and over and people with underlying health conditions to have been offered a first dose of the Covid-19 vaccine by 15 April, and a second dose by mid-July. While local authorities have been able to hold meetings in person at any time during the pandemic with appropriate measures in place, the successful rollout of the vaccine and the reduction in cases of Covid-19 should result in a significant reduction in risk for local authority members meeting in person from May 7, as reflected in the Government's plan to ease Covid-19 restrictions over the coming months.

I recognise there may be concerns about holding face-to-face meetings. Ultimately it is for local authorities to apply the Covid-19 guidance to ensure meetings take place safely, but we have updated our guidance on the safe use of council buildings to highlight ways in which you can, if necessary, minimise the risk of face-to-face meetings, and we will work with

sector representative bodies to ensure that local authorities understand the guidance and are aware of the full range of options available to them.

You can find the updated guidance here: www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings.

These options would include use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service, as these could be used these to minimise the number of meetings you need to hold if deemed necessary. Additionally, some of you will be able to rely on single member decision making without the need for cabinet meetings if your constitution allows.

While I appreciate that a greater number of authorities will be subject to elections this year due to the postponement of the 2020 elections, those councils who are not subject to elections could also consider conducting their annual meetings prior to 7 May, and therefore do so remotely while the express provision in current regulations apply. As you will know, councils who are subject to elections are statutorily required to hold their annual meeting within 21 days of the elections. The Government's roadmap proposes that organised indoor meetings (e.g. performances, conferences) are permitted from 17 May, subject to Covid secure guidelines and capacity rules. On this basis, councils should consider the extent to which their annual meetings (and any other meetings) can operate on the same basis as other local institutions in their area, taking into account their individual circumstances and requirements.

If your council is concerned about holding physical meetings you may want to consider resuming these after 17 May, at which point it is anticipated that a much greater range of indoor activity can resume in line with the Roadmap, such as allowing up to 1,000 people to attend performances or sporting events in indoor venues, or up to half-capacity (whichever is lower).

Finally, while you do have a legal obligation to ensure that the members of the public can access most of your meetings, I would encourage you to continue to provide remote access to minimise the need for the public to attend meetings physically until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements for public access.

I am grateful for the efforts that local authorities have made to allow remote meetings in their area and recognise that there has been a considerable investment of time, training and technology to enable these meetings to take place, and I am aware that some authorities, though by no means all, have made calls for the Government to make express provision for remote meetings beyond the scope of the pandemic. I am today launching a call for evidence on the use of current arrangements and to gather views on the question of whether there should be permanent arrangements and if so, for which meetings. There are many issues to consider and opinions on the detailed questions vary considerably. This will establish a clearer evidence base of opinion and enable all the areas to be considered before further decisions are made. The Government will consider all responses carefully before deciding to how to proceed on this issue.

I am copying this letter to the Mayor of London, the chairs of the Local Government Association and the National Association of Local Councils, as well as the Home Secretary and the Secretary of State for the Environment, Food and Rural Affairs in respect of other authorities covered by the current meetings regulations, including fire and rescue authorities, police and crime panels, national park authorities, the Broads Authority, and conservation boards.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Luke Hall', is centered below the closing. The signature is fluid and cursive.

LUKE HALL MP

Cc. Rt Hon Priti Patel MP, Home Secretary
Rt. Hon. George Eustice MP, Environment Secretary
Sadiq Khan, Mayor of London
Cllr. James Jamieson, LGA Chairman
Cllr. Sue Baxter, NALC Chairman

Dear Mr Jenrick et al,

CCC: XXXX MP for XXXX Parish Council Area

CCC: Luke Hall MP luke.hall.mp@parliament.uk

CCC: Priti Patel MP (Home Secretary) withammp@parliament.uk ;
public.enquiries@homeoffice.gov.uk;

CCC: Sue Baxter (NALC Chairman) nalccommittees@nalc.gov.uk ; sue.baxter@nalc.gov.uk

CCC: James Jamieson (LGA Chairman) james.jamieson@centralbedfordshire.gov.uk

CCC: Elizabeth Truss MP (Minister for Equalities) Elizabeth.truss.mp@parliament.uk

CCC: (XXXX(County) Association for Local Councils)

CCC: NALC (National Association for Local Councils) chris.borg@nalc.gov.uk

CCC: HSE (Health & Safety Executive) -media.enquiries@hse.gov.uk

I am contacting you once again on behalf of XXXXe Parish Council and myself as Parish Clerk and echoing the feelings of the other 10,000 Parish Councils in the UK regarding the recent governmental decision to not allow Parish Councils to continue to meet virtually after May 7th 2021.

This appears to have been confirmed to our concern and great disappointment in a letter from MP Luke Hall circulated yesterday following the Governmental debate and subsequent vote in the House of Commons yesterday to extend the Coronavirus Act 2020, which expressly excluded the extension of these emergency powers for Parish Councils.

The decision taken by the Government yesterday (and seemingly confirmed by the letter from Luke Hall referenced above) has left me as Clerk very confused, and quite frankly distressed and increasingly stressed which is having a negative impact on my health.

The government now leave Parish Councils in an untenable (**and unequal**) position compared to Parliamentary Functions which as I understand it can continue to meet and vote virtually until Mid June, an extension of some 6-7 weeks beyond when Parish Councils can legally convene and act in a virtual format.

It took many weeks in 2020 for the government to introduce this legislation and then months for Parish Clerks to work with their Parish Councils and other local government bodies to update policies, and upskill and train members to allow for remote meetings.

Yet you now whilst still in the midst of a Pandemic are removing the ability of Parishes to continue to convene virtual meetings at a time when it is neither safe, nor practical (and in all probability not legal under the Roadmap out of Lockdown), not in certain cases possible 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 Review needs to be completed which has its own set of statutory deadlines which have to be met.

To suggest that Parish Councils might 'live-stream' their meetings for members of the public is quite frankly farcical and only goes to highlight how much members of Government do not understand the functionality of Parish Councils, and the ruralness of many Parish Councils.

Apart from the obvious logistical and cost issues regarding implementing a hybrid system, the Councils for which I work have not the budget to buy the hardware and software required to run such meetings and to live stream them, many venues in which the Parish Council meeting (in non Covid times) do not have wifi or in many cases phone signal. These are buildings that are not owned by the Parish Council and as such the control we have over the installation of such digital technology is limited, and again would be costly.

Further in some of the locations in which Parish Councils are traditionally held there is **NOT** the digital connectivity in the area, even if budget were no object. In Rural [insert county] there is still circa 7% of properties without any form of connectivity to superfast broadband, the existing slow and unreliable dial up broadband would not allow for blended/live streamed meetings. The majority of the Village Halls I use have no mobile signal either, so the use of data streaming is not an option.

This therefore disenfranchises the electorate, and once again puts the Council in a position of being unable legally convene a meeting as the live streaming would not be possible, and its not legal to prevent members of the public attending a Council meeting if they wish to.

Having supported my Parish Council through this transition to virtual meetings and been successfully running remote meetings now since June 2020 both myself as clerk (and RFO) and more crucially the Parish Council 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.

Parish Councils are currently governed in the main (there are many other pieces of legislation that we rely on) by a 1972 Act of Parliament (LGA 1972) which is now very outdated the recent changes enacted as a result of the Covid 19 Pandemic have allowed Parish Councils to move forward into the 21st Century to not allow this to continue is as far as xxxx Parish Council are concerned is a massive step backwards.

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 borough and county council members to attend a virtual meeting rather than driving long distances across [inset County] to attend meetings. It has also allowed Parish Councillors and members of the public who would have formally been unable to attend meetings due to caring/child care etc to be present in an online format.

In terms of duty of care/and safety of councillors, members of the public and clerks to force Parish Councils to return back to face to face meetings in early May when clearly the Covid 19 Pandemic will still be in progress is asking people to take risks that seem un-necessary and unreasonable.

For xxxx Parish Council alone there are a number of concerns with this:

- 1) Most Councillors will not have had their second vaccination by this date
- 2) Some councillors may not have had their first vaccine by this date
- 3) The Clerk **will not** have to have had her second vaccine, despite being on the level 4 vulnerability list).
- 4) There are **no** venues within the Parish in which to hold meetings as the village halls have been crippled by the Covid 19 pandemic and are holding off reopening.
- 5) Health & Safety responsibility at meetings it is not clear who would be responsible for ensuring that venues were covid secure for Parish Council meetings, conventionally these are held in Village Halls, we don't know who has been in the room prior to a Council meeting. Is it acceptable to ask a Parish Clerk to work extra hours (outside of their job description) to attend a village hall at unknown risk to clean a room prior to a meeting, and then to remain after the meeting (again working additional hours) to clean down the room afterwards. Where will the funding come from for this extra work?
- 6) As an employer xxxx Parish Council have a **statutory duty of care** to their Clerk and forcing her to return to physically present meetings when it may not be safe to do so, could potentially be a breach of this duty of care?
- 6) Parish Councils legally can't restrict attendance at their meetings so under the government road maps we can't guarantee that only X persons will be present, how do the

government anticipate this will be handled in 2 months time when at that stage we will only be half way through the roadmap out of the Covid 19 Pandemic and the expansion on the 'rule of 6' doesn't come into effect until Mid June 2021?

7) Quorum- It is highly likely that summoning Parish Councillors to attend physically present meetings in only 2 months time is likely to result in high numbers of apologies, and the likelihood of Parish Council meetings not being quorate. This essentially ties the hands of Parish Councils to no action or working on a delegated authority system. This is far less transparent and inclusive than allowing the continuation of digital meetings (or blended meetings). Parish Councils are an important part of the local government structure and could provide significant support and engagement with local communities as the Covid 19 pandemic eases, by removing the ability of Parish Councils to continue to meet virtually the government are essentially stopping this level (and potentially other levels) of local government from functioning.

XXXX Parish Council implore you and your colleagues to urgently reconsider this decision and provide an urgent update to provide a clarity and reassurance to Parish Councils that virtual and blended meetings will be legally allowed to continue in perpetuity.

Kate Egan
Parish Clerk
Stoke St Michael Parish Council
clerk@stokestmichaelpc.org

27th March 2021

Luke Hall MP
Minister of State for Regional Growth and Local Government
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

Dear Mr Hall

Local Authority Meetings

I am writing in response to the letter you issued to Principal Councils on 25th March regarding Local Authority Meetings, and our concerns as Parish Clerks returning to face-to-face meetings, also our huge disappointment in the Government not being able to extend the regulations to hold virtual meetings after 7th May. I realise that your letter was addressed to Principal Councils but Parish Councils are in the same situation and seem to have been ignored.

I am Parish Clerk to three rural Parish Councils in Somerset and it would be very difficult to hold meetings between 7th May when The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no longer applies and 21st June when hopefully all restrictions are lifted.

There are about 9,000 Parish and Town Councils in England, ranging from small rural Parish Councils to large Town Councils, they are all different and unique with a variety of needs and circumstances and this will affect them all in some way or other, so if I may I would like to respond to some of the points you have mentioned in your letter

“As outlined in the Government’s Spring 2021 Covid-19 Response, our aim is for everyone aged 50 and over and people with underlying health conditions to have been offered a first dose of the Covid-19 vaccine by 15 April, and a second dose by mid-July.”

This implies that Councillors and Clerks are aged 50 over and will have received their first vaccine at least by 7th May. Parish Councils are diverse and some will have fairly young Councillors, in fact I have several so they will not have received their vaccine. Town and Parish Clerks are also a variety of age and this statement tends to point to a stereotype that they are from the older generation, they are not, so again Clerks will not have received their vaccine, and Councils have a duty of care to their employees who may not feel safe entering an environment where they could still be susceptible to the virus.

“While local authorities have been able to hold meetings in person at any time during the pandemic with appropriate measures in place.”

This may have been applicable to County, District and Town Councils where they had the space in order to hold meeting social distanced, but the majority of Parish Councils don't own their own buildings and would rent a room in the local community building, these have all been shut so they have not been able to hold meetings in person at any time during the pandemic.

“These options would include use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service.”

Parish Clerks are often the sole employee of the Council so they won't be able to delegate decisions to the Head of Paid Service as there isn't one. Small rural Councils don't tend to have existing powers to delegate decisions to the Clerk, emergency powers were put in place with some councils at the beginning of the pandemic last year but not all Councils did this and were so left in limbo.

“Some of you will be able to rely on single member decision making without the need for cabinet meetings”.

This shows the lack of understanding of Parish Councils as the majority of small councils will not have separate Committees, certainly not a “cabinet meeting” and everything is discussed and resolved at full Council Meetings. Councillors cannot make individual decisions; the decision needs to come from the Council as a whole and in order for that to happen a meeting is required to take place. If Councils wished for Councillors to make individual decisions, this would need to be changed within the Standing Orders but again a meeting would need to be held where this could be resolved.

“Councils who are subject to elections are statutorily required to hold their annual meeting within 21 days of the elections.”

According to the Local Government Act 1972, Schedule 12, Parts II and IV. “The annual meeting of a local council must be held in May (on a date to be fixed by the council) in all but ordinary election years. In the year of ordinary election of local councillors, the annual meeting must take place on the fourth day after the date of the election (i.e., of the date when the new or re-election councillors take office) or within fourteen days thereafter.”

Local Elections take place on 6th May when the regulations stop so everyone is asking how are they supposed to hold the annual meeting when virtual meetings are no longer able to take place and physical meetings are unable to take place as explained within the next couple of points.

“If your council is concerned about holding physical meetings you may want to consider resuming these after 17 May, at which point it is anticipated that a much greater range of indoor activity can resume in line with the Roadmap, such as allowing up to 1,000 people to attend performances or sporting events in indoor venues, or up to half-capacity (whichever is lower)”

The question needs to be asked – how big do you think the venues are where Parish Council meetings are held? Are you expecting Councils to hire out venues and theatres so Councillors and Members of the Public can sit socially distanced during the meeting? If so would additional funding be available?

Most Parish Councils especially those in rural areas are held in small village halls, church rooms or other community buildings where they are barely big enough to hold the Councillors and Members of the Public if they turn up. Social distancing would be impossible.

Comments have been mentioned to hold meetings in fields and car parks, however a unique idea but highly impractical. I would like to ask these questions? – Have you ever tried this? Would you expect central Government to hold this type of meetings, if not why are you expecting Parish Councils to hold meetings this way?

“While you do have a legal obligation to ensure the members of the public can access most of your meetings, I would encourage you to continue to provide remote access to minimise the need for the public to attend meetings physically until at least 21 June.”

This is well and good if you live in cities, towns and urban areas where 4G or even 5G and Wi-Fi is widely available, but living in rural areas such as here in Somerset they can be minimal or non-existent. Some community halls used by Parish Councils don't have heating installed let alone wi-fi, so how are Parish Council supposed to run hybrid meetings if the facilities and equipment are not available.

In order for hybrid meetings to run successfully as Central Government have been doing throughout the past year, decent audio and video equipment needs to be installed but with Parish Councils with very low precepts there is no budget to support this.

Finally, as we will have all seen especially over the last couple of months the impact of virtual meetings and the number of attendees has increased. This has been done by Councils having virtual meetings via Zoom or Teams, even live streaming the meetings over Facebook and YouTube. It has also given the opportunity to listen into meetings held elsewhere in the country without leaving the house.

Parish Councils don't tend to have many residents attending face to face meetings and find it difficult to reach groups such as young people, elderly people and those with physical disabilities, but allowing virtual meetings to go ahead it has opened doors and residents have been able to attend and understand the role of Parish Councils within their area, whilst Councillors have been able to engage directly with their community, so please let it continue.

Yours sincerely

Kate Egan
Parish Clerk Stoke St Michael Parish Council
Parish Clerk Ashwick Parish Council
Parish Clerk Wanstrow Parish Council

CC: David Warburton MP – Somerton and Frome
James Heapey MP - Wells