

**EXPLANATORY MEMORANDUM TO**

**THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS  
(CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND  
CRIME PANEL MEETINGS) (ENGLAND AND WALES) (AMENDMENT)  
REGULATIONS 2020**

**2020 No. 808**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 These Regulations amend the provision made by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 for the conduct of local authority meetings held before 7th May 2021, and for public and press access to these meetings.
- 2.2 Regulation 2 amends the definition of “local authority” in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to include Mayoral Development Corporations, Transport for London, Urban Development Corporations and parish meetings. It enables these bodies to hold and alter the frequency and occurrence of meetings without requirement for further notice, for members of these bodies to attend meetings remotely, and for the modification of legislation relating to public and press access to information relating to decisions made by local authorities to enable such access to be available through remote means.
- 2.3 Regulation 2 also disapplies provisions requiring a parish meeting to hold an annual meeting and modifies provisions requiring a parish meeting to give public notice of meetings.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 It is not possible in the case of these Regulations to comply with the 21-day rule which requires relevant instruments to be laid before Parliament for at least 21 days prior to coming into force. These Regulations were made as soon as practicable following the Business and Planning Act 2020 receiving Royal Assent on 22 July 2020 and come into force on 1 August 2020.
- 3.2 In response to the Covid-19 virus the Government introduced legislation to remove the requirement for annual council meetings to take place and to allow local authority meetings to be held virtually for a temporary period.

- 3.3 These Regulations extend the definition of ‘local authority’ under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to Mayoral Development Corporations, Transport for London, Urban Development Corporations and parish meetings and remove the existing requirements for such bodies to hold annual meetings and allow meetings to be held remotely using video or telephone conferencing or by other remote means.
- 3.4 The local authority sector, including the National Association of Local Councils, the Mayor of London in respect of Mayoral Development Corporations, the London Legacy Development Corporation (an MDC) and Transport for London (TfL), has asked for the flexibilities to be extended to the bodies listed in paragraph 3.3 as soon as possible. The measures will help these bodies redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance. It is clearly vital that this change is achieved as soon as possible.
- 3.5 The Regulations are time limited and apply in relation only to meetings taking place before 7 May 2021; it will be possible to make amending secondary legislation to bring forward this date if social distancing rules are relaxed or removed on the basis of medical and scientific advice.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.6 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Order of the House of Commons relating to Public Business at this stage.

#### **4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is to England and Wales.
- 4.2 The territorial application of this instrument is to England only.

#### **5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

#### **6. Legislative Context**

- 6.1 Section 78 of the Coronavirus Act 2020 (“the 2020 Act”) provides that regulations can be made relating to requirements for local authorities in relation to holding meetings, the requirements on timing and frequency of meetings, the place at which meetings must be held, and the way in which people may attend, speak and vote. Section 78(7) of the 2020 Act was further amended by section 22 of the Business and Planning Act 2020, to extend the definition of a local authority in England to cover Mayoral Development Corporations, Urban Development Corporations, parish meetings, and Transport for London.
- 6.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales)

Regulations 2020 (“the Meetings Regulations”) were made using the enabling provisions in section 78 of the 2020 Act.

- 6.3 These amendment Regulations amend the following provisions in the Meetings Regulations relating to the modification or disapplication of provisions relating to local authority meetings and public and press access to such meetings:
- Regulation 3 of the Meetings Regulations sets out the definition of “local authority” for the purposes of these Regulations.
  - Regulation 6 of the Meetings Regulations modifies the requirements in Schedule 12 to the Local Government Act 1972, including requirements to hold annual meetings and to physical notice of their meetings.
  - Regulation 13 (public and press access) of the Meetings Regulations modifies section 1(4)(a) Public Bodies (Admission to Meetings) Act 1960 so that a notice of a meeting could include details of how the public and press can access that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Covid-19 pandemic is a severe public health emergency. Local authorities are being asked to undertake a number of essential and unusual functions in the face of the pandemic. This is alongside an expectation that they will contribute to local resilience planning for the pandemic through Local Resilience Forums and continue the effective delivery of local services, including planning and licensing. Local authorities need to be mindful of the health and safety of their members, officers, and the public.
- 7.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Meetings Regulations”) were made under section 78 of the Coronavirus Act 2020 in order to relax some of the requirements in relation to local authority meetings held before 7 May 2021. This included removing requirements for local authorities to hold annual meetings and allowing them to hold all necessary meetings virtually, enabling council members, officers and members of the public to access meetings and associated documents remotely.
- 7.3 A number of bodies including Mayoral Development Corporations, Transport for London, Urban Development Corporations and parish meetings, which were not included in the definition of ‘local authority’ under section 78 of the Coronavirus Act 2020 and subsequent secondary legislation, have made representations to the Government that similar relaxations should be applied to their duties in relation to meetings.
- 7.4 The Business and Planning Act 2020 amended section 78 of the Coronavirus Act 2020 and these regulations ensure that Mayoral development corporations, urban development corporations, parish meetings, and Transport for London are now included in the Meetings Regulations, with appropriate modifications. Regulation 3(2) amends regulation 3 of the Meetings Regulations to include Mayoral Development Corporations, Urban Development Corporations, parish meetings, and Transport for London in the definition of “local authority”. Regulation 3(3) amends regulation 6 of

the Meetings Regulations to disapply the requirements in Schedule 12 to the Local Government Act 1972 for parish councils and parish meetings to post physical notice of their meetings. Regulation 3(4) amends regulation 13 (public and press access) of the Meetings Regulations so that the modification section 1(4)(a) Public Bodies (Admission to Meetings) Act 1960 applies to parish meetings.

- 7.5 These amendments to the Meetings Regulations will enable Mayoral Development Corporations, Urban Development Corporations, parish meetings, and Transport for London to meet remotely and make provision for remote public access including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. This is to ensure that the flexibilities for local authority meetings apply to local authorities in the broadest sense so that they can carry on their business whilst protecting the health and safety of members, officers and the public.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1 This instrument does not consolidate any legislation.

## **10. Consultation outcome**

- 10.1 These Regulations have been drafted following representations made by, and discussions with, the local government sector including the Local Government Association, the National Association of Local Councils, the Mayor of London in respect of Mayoral Development Corporations, the London Legacy Development Corporation (an MDC) and Transport for London (TfL).

## **11. Guidance**

- 11.1 The Government does not intend to issue guidance in relation to these Regulations.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is that local authorities will have more flexibility as to how they can respond and deploy their resources during the pandemic.
- 12.3 An Impact Assessment has not been prepared for this instrument. The Regulations have effect for a temporary period up to and including 6 May 2021 in order to minimise the risks to public health arising from Covid-19.

## **13. Regulating small business**

- 13.1 The Regulations do not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is to engage with local government to review whether further regulations are needed. This could include amending or revoking these Regulations and the Government will keep this under review.

14.2 The Regulations do not include a statutory review clause and have effect for a temporary period up to and including 6 May 2021.

**15. Contact**

15.1 Megan McKibbin at the Ministry of Housing, Communities and Local Government Telephone: 07824452227 or email: [megan.mckibbin@communities.gov.uk](mailto:megan.mckibbin@communities.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Paul Rowsell, Deputy Director and Head of the Governance Reform and Democracy Unit at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.

15.3 Simon Clarke, Minister of State at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.