On 2 April 2020 the Secretary of State published regulations to provide for local authority meetings to be held by remote means, including (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The snappily titled The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, also provide for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

What does it mean for parish and town councils? Well, for the first time ever the definition of “present” at a council meeting is taken to include present by remote means. It could be a councillor joining a meeting from their computer via, for example, Zoom, Skype or Teams, or it could be a councillor simply dialling into the meeting from their landline or mobile telephone. It is a game changer. It will enable parish and town councils to hold virtual meetings free of the constraints of self-isolation and social distancing.

Meetings must still be open to the public “including access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.”

The best and most reliable way of achieving that needs to be explored. Video conferencing solutions are not constructed to deal with separate groups of delegates, so the distinction between councillors and members of the public might not be obvious. For smaller councils with only one or two members of the public present it won’t be too difficult, but if a council has 15+ councillors and 15+ members of the public it could start to get a bit unwieldy.

Then there’s the practical issues of councillors having access to the technology and know-how to be able to join by remote means. It’s likely that most councillors will have access to a device with a microphone and camera, whether it is a desktop computer with a USB webcam, or a laptop with microphone and camera built in or even a smartphone or tablet. But inevitably there will be some that don’t, and it’s important that they are not disadvantaged by only being able to join the meeting by telephone. And even if councillors have the tech, they might not have the know-how. I suspect that in the early days there will be lots of difficulty signing into meetings and, when
the technophobes arrive, we will see lots of chins and tops of heads! And then there’s the whole connection speed issue, although we are lucky in Northamptonshire that the county council has led the country in the rollout of superfast broadband, particularly in rural areas. But again, there will be the haves and the have nots.

Good chairmanship skills will be vital, and Northants CALC has already identified that as a critical factor in making virtual meetings a success. We are putting together a special training course, which we hope to roll out very soon.

We think there needs to be a “Meeting Operator” and that the role would ideally be carried out by the chairman of the council (or whoever is presiding at the meeting). It is the person responsible for muting and unmuting participants, for watching who wants to speak, and calling them at the appropriate time to do so.

However, this adds a burden to the role of chairman which some might find difficult. In that case the role could be performed by the clerk, another councillor, or even a volunteer brought in specifically to help with the tech.

It's going to be a challenge for the sector, but it’s important that councils can meet and transact business, so needs must. Experience from several “early adopters” who jumped the gun on the regs is that it does work, and surprisingly well. The fear of virtual meetings is likely to be much greater than the reality.

In terms of which platform to use, there is a wide choice. Northants CALC has been using Zoom for the past year or so and recommends it for council meetings. It has the best feature set for giving members of the public access, whilst still being able to control their participation. Any software that relies on an Internet connection is a security threat, but our best advice is that Zoom is no better or worse than the leading alternatives, such as Skype, Microsoft Teams and Google Hangouts.

Yes, there have been security warnings circulating about Zoom but then there have been security warnings circulating about all the other platforms too. Just Google the name of your preferred platform and add “security issues” and you’ll see what I mean.
I wonder if the warnings about Zoom can be traced back to Microsoft HQ and the warnings about Microsoft Teams can be traced back to Zoom HQ!? These platforms are big business after all. The reality is that security is a serious issue and the service providers always need to stay ahead of the hackers. End users need to play their part too, making sure they have the latest version of the software and that device security settings are set appropriately and that security software (anti-virus, firewall etc) is up to date.

Getting back to the regulations, they also remove the requirement for local authorities to hold an annual meeting. This is useful because it provides maximum flexibility, but if parish and town councils can make use of remote meetings then there is no impediment to holding an annual meeting in 2020.

The regulations provide that “Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority [e.g. the election of chairman], such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.”

So, if a parish or town council is able to hold an annual meeting and is minded so to do, then it can and may use it to elect a chairman and vice chairman. If on the other hand a parish or town council is not able to hold an annual meeting then the existing chairman and vice chairman would remain in office until an annual meeting can be held, even if that is not until May 2021.

For clarity, the regulations refer only to the annual meeting of local authorities. They are silent on the requirement to hold an Annual Parish Meeting, which is a meeting of electors, not of a local authority. This is probably an oversight (parish and town councils being the only local authorities required to convene an Annual Parish Meeting) and Northants CALC has asked the National Association of Local Councils (NALC) to seek clarification from government.

The Regulations in their entirety are time limited and apply in relation only to meetings taking place before 7 May 2021, although MHCLG adds that “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.” The interesting thing will be, having opened Pandora’s Box, will local government ever be able to return to what we already refer to as “the old ways”.

The regulations can be viewed at https://bit.ly/2xEdc8h.