

## Welsh Government Briefing for community and town councils

### Multi-location meetings and meeting notices – August 2021

*NB: This briefing note is not statutory guidance, but is drawn from draft statutory guidance for local authorities in Wales. It provides information, informed by that guidance, to support wider accessibility to council proceedings in line with the provisions within Local Government and Elections (Wales) Act 2021.*

#### What are the changes?

Section 47 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') provides for multi-location attendance at community and town council (hereafter noted as 'community council') meetings. The requirement is that a community council must make and publish arrangements for convening meetings, which allows – but not requires – participants to be in multiple locations.

Schedule 4 of the Act also includes other changes relating to community council notices e.g. giving notice of meetings and their arrangements and the issuing of a short note within 7 days of council. These should be read in conjunction with section 55 of the Local Government (Democracy) (Wales) Act 2013, which requires community councils to make available electronically certain information and documents (including minutes of meetings).

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#### Multi-location meetings

##### *Why have these changes been made?*

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 made temporary changes to meeting arrangements for community councils, allowing meetings to be held virtually (i.e. multi-location meetings) and requiring meeting documents to be published electronically. These changes allowed meetings to continue during the coronavirus pandemic. These changes proved popular and beneficial, so the Welsh Government made these changes permanent through the 2021 Act.

Many councils have found that the attendance – including from the general public – and productivity of meetings have improved with multi-location meetings. There are also benefits in reducing travel and enabling councillors, members of the public and the press to engage more readily and more conveniently in council meetings.

Physical meetings should not be seen as representing the gold standard with multi-location meetings being second best. Physical meetings may be convenient and effective for some who are most used to them – but they may be inaccessible or inconvenient to many, including existing councillors.

##### *What are the requirements?*

This section sets out the things that authorities **must** do in respect of multi-location meetings.

The 2021 Act requires that the community council to make and publish arrangements for its meetings to ensure that their meetings can take place in a manner which enables people who are not in the same place to meet. Under the arrangements, meetings will have to be capable of being held virtually. If the arrangements are revised or replaced the new arrangements must also be published.

The Act does not require meetings to be held in a particular way. Whether they are held virtually, partially virtually or entirely face to face – subject to prevailing public health regulations – is a matter for the council.

The practicalities of arrangements were considered carefully and it is important for Councils to be clear the minimum requirement is that members are able to hear and be heard by others.

Examples of this could include:

- All participants are in the same physical location;
- All participants are in the same physical location except one individual who joins from another location;
- Roughly equal number of councillors are present in a physical space and joining through remote means;
- Wholly through remote means where no physical arrangements have been made.

Whilst physical meetings are allowable under the 2021 Act, councils must note that the 2021 Act requires that participants (i.e. council members, members of the public and press) are able to join meetings remotely – even if physical meetings are the preferred mode. Councils must publish these arrangements, for example, through standing orders. Councils are not allowed to resolve that all meetings will be held entirely physically.

Section 48 of the 2021 Act means that community councils must give the public a reasonable opportunity to participate in its meetings. The meeting arrangements should make clear how this could happen.

Section 46 of the 2021 Act relating to broadcasting of proceedings does not apply to community councils.

Further detail on the relevant legislation is provided in **Annex A**.

#### *What should the arrangements consider?*

The arrangements must be relevant to your council. They should be consistent with the Nolan principles of public life, the Code of Conduct for members of community councils and must take account of prevailing public health advice and/or legislation.

It is suggested that arrangements should cover:

- How a council will determine which meetings will have a physical element (i.e. a council meeting room) and how remote access will work in those cases;
- The venue for physical meetings and (if relevant) the appropriate online meeting platform and/or telephone access. This may require councils to consider the most appropriate venue for future meetings and value for money for any upgrades to infrastructure.
- Meeting attendance, including determining where a member is present<sup>1</sup>, and voting procedures;
- Ways of working during the meeting e.g. whether and how to use the chat function where appropriate, managing unruly conduct and voting.
- Arrangements to support other participants (including the public and the press) to be able to access and participate in the meeting. This might include virtual waiting room arrangements to ensure appropriate and timely access.

There is no requirement for meetings to be held in the same way every time it meets.

When deciding which meetings may be held wholly remotely and/or with physical provisions, councils should consider:

- The circumstances of individual councillors and their preference in the way they participate in meetings. Some councillors may wish to join council meetings from another location by default – because they have working or caring responsibilities which make attending meetings in person difficult. Similarly, some councillors may have a legitimate preference or reason why physical meetings are preferred.
- How members of the public are able to access meetings – there may be very good reasons why individuals are not able to attend in person, but would nonetheless wish to listen to proceedings about decisions which impact their lives.
- The accessibility of the press to hear about and report on local stories to enable wider public debate and accountability.
- How telephony and other technology can be used to support and facilitate multi-location meetings which is proportionate to the circumstances.

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## Notices

### *What notice must be given of council meetings?*

- Notice of the time and place of a [full] council meeting (including how it may be accessed virtually, if applicable) must be published electronically and in a

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<sup>1</sup> Confirming where a member is considered to be present is important if it is relevant for the purpose of determining whether they have attended a council meeting in the past six months (s85, Local Government Act 1972).

conspicuous place in the community at least 3 clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.

- The summons to attend a meeting should be sent to members electronically. If a member wants to receive the summons in writing rather than electronically, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
- In exceptional circumstance, a meeting of a committee or sub-committee of the council meeting may be called at shorter notice. In which case, notices should be published with at least 24 hours' notice.
- These notice requirements also apply where a formal meeting is taking place which is not open to the public.

#### *What must be published following council meetings?*

- No later than 7 working days of a council meeting, the council must publish electronically a note setting out:
  - The names of the members who attended the meeting, and any apologies for absence;
  - Any declarations of interest; and
  - Any decisions taken at the meeting, including the outcomes of any votes.

This requirement does not replace the requirements set out in section 55 of the 2013 Act to publish electronically minutes of meetings and such other information as is set out in that section.

*NB: The requirements regarding the note to be published after a council meeting do not apply for private business or where disclosure would be detrimental to acting on those decisions.*

## Annex A: Legislation

This briefing provides an update to meeting arrangements for community and town councils in Wales following the Local Government and Elections Act (Wales) 2021.

[Part 3, Chapter 4 of the 2021 Act](#) covers local government meetings, including community and town council meetings. It covers:

- Attendance at meetings: Community councils must make arrangements for “multi-location” meetings, at which participants can hear and be heard by each other. (s47);
- Notice of meetings, and publication of agendas: Community councils must publish certain information, including notices of meetings, electronically, and electronic information relating to meetings must remain available in this format for six years following the date of the meeting (Schedule 4, Part 1 of the 2021 Act, amending the Local Government Act 1972).

[Schedule 4 of the 2021 Act](#) notes amendments to previous legislation, i.e.:

- [Part 1, section 1 of the Public Bodies \(Admission to Meetings\) Act 1960 \(c. 67\)](#) in respect of admission of public to meetings; and
- [Schedule 12, Part 4 of the Local Government Act 1972](#) in respect of giving notice of meetings, venues, attendance, voting arrangements and access to documents.

The 2021 Act should be read in conjunction with [section 55 of the Local Government \(Democracy\) \(Wales\) Act 2013](#), which covers community council websites and requires community councils to make available electronically certain information and documents