

To All members of Outwell Parish Council

CC Debbie Newton, Councillor Humphrey, Councillor Crofts

21st. May 2020

Re. Remote meetings of OPC

I wrote to all members of OPC on 30th April to explain that our current arrangements for holding virtual meetings of the Parish Council using a mixture of emails and telephone calls do not comply with existing regulations. As a result, any decisions we take may be challenged. I undertook to do some more research to identify the options open to us. I have established that to satisfy the rules our virtual (remote) meetings must satisfy several conditions. The following information has been taken from a legal briefing on remote meetings published by NALC.

**What are the specified conditions to enable local councils to meet remotely?**

To be considered in attendance at a remote meeting regulation provide that a member in remote attendance attends the meeting at any time if the member is able at that time to:

1. Hear and be heard by other members in attendance. If possible, members should also be able to see and be seen by other members in attendance.
2. This requirement also applies to members of the public entitled to attend the meeting to exercise a right to speak at the meeting.
3. It also applies to any other members of the public attending the meeting.

All the above conditions must be satisfied.

These conditions allow members to join via a video link system or by telephone so long as every member can be heard by every other member and the public.

The current legal position may be summarised as follows:

1. The 2020 Regulations permit the holding of remote meetings, with conditions.
2. Local councils can decide the methods they will use to facilitate the holding of remote meetings.
3. There is no requirement to hold an annual meeting.

On 11<sup>th</sup> May I sent a second email asking if all councillors could confirm by email to Debbie and/or myself that they are ready, willing, and able to meet the requirements for conducting remote meetings i.e. that they have or can obtain the requisite hardware and software and are confident in their ability to use it. To date I have received two replies to this email. Both respondents said they would be happy to attend remote meetings. I take it that this implies a "yes" to the question posed above. I have received no replies from the remaining eight Council members. To put it at its lowest the support for remote meetings among most Council members is lukewarm at best!

As I have never listed flogging dead horses among my favourite pastimes I have been trying to come up with an alternative. I should emphasise that what follows are my own suggestions. I have not consulted with any other member of the Council or the Clerk. The purpose of this email is to ask for your opinions and suggestions.

1. The legal position is that there is no need to hold an AGM this year. To comply with statutory requirements, we must hold a minimum of three council meetings in 2020/21. If we continue to hold our meetings using the existing procedures of emails and telephone calls any decisions that we take are open to challenge. This applies particularly to any new decisions relating to finance.
2. It seems to me that Council is extremely unlikely to take any significant decisions while the lockdown continues not least because it will be virtually impossible to implement these decisions.
3. The day to day conduct of Council business must continue. We need to honour our existing commitments and pay our bills. Routine Council business of a non-controversial nature needs to carry on.

My suggestions are:

1. That we continue with our current approach for the next three months i.e. June through August unless, of course, the current crisis is resolved, and Council meetings can return to normal.
2. In August we can reconsider our position. If lockdown is still in operation then and there seems no likelihood of it ending in the foreseeable future we will have to set up remote meetings. If we start working on this in August with the full support of all members of the Parish Council we should certainly be able to have a system in place in time for October's meeting. In the very worst case, we will be able to have six meetings in 2020/21 which will comfortably satisfy the statutory requirement. It is also worth noting that all our major financial decisions are usually taken in the second half of the year.

I emphasise that these are only proposals.