

2020 No. 74

LOCAL GOVERNMENT

The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020

Made - - - - *30th April 2020*

Coming into operation - *1st May 2020*

The Department for Communities(**a**) makes these Regulations in exercise of the powers conferred by section 78(1), (2) and (4) of the Coronavirus Act 2020(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 and shall come into operation on 1st May 2020.

(2) In these Regulations—

“the 2014 Act” means the Local Government Act (Northern Ireland) 2014(**c**);

“council” means a district council;

“council meeting” means a meeting of—

(a) a council;

(b) an executive of a council (within the meaning of Part 6 (executive arrangements) of the 2014 Act);

(c) a joint committee of two or more councils; and

(d) a committee or sub-committee of anything within subparagraphs (a), (b) or (c).

“remote access” means the ability to attend or participate in a meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming; and

“remote attendance” is to be construed in accordance with regulation 3(2) and (3).

(3) The Interpretation Act (Northern Ireland) 1954(**d**) applies to these Regulations as it applies to an Act of the Assembly.

(**a**) Formerly known as the Department for Social Development; *see* the Departments Act (Northern Ireland) 2016 c. 5 (N.I.), Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76) transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment.

(**b**) 2020 c. 7.

(**c**) 2014 c. 8 (N.I.).

(**d**) 1954 c. 33 (N.I.).

Meetings of councils

2.—(1) In respect of a reference in any enactment to a council meeting, that council may, as they may determine, subject to paragraph (2)—

- (a) hold such meetings and at such hour and on such days; and
- (b) alter the frequency or move, postpone or cancel such meetings;

without requirement for further notice.

(2) The annual meeting of a council must be held by 30th September 2020.

Remote Attendance

3.—(1) A reference in any enactment to a council meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

(2) For the purposes of any such enactment, a member of a council (“a member in remote attendance”) attends the meeting at any time if all of the conditions in paragraph (3) are satisfied.

(3) Those conditions are that the member in remote attendance is able at that time—

- (a) to hear, and where practicable see, and be so heard, and where practicable be seen by, the other members in attendance;
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and
- (c) to be so heard and, where practicable, be seen by any other members of the public in attendance.

(4) In this regulation, any reference to a member, or a member of the public, attending a meeting or being in attendance includes that person attending by remote access.

(5) The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the council governing the meeting and any such prohibition or restriction has no effect.

(6) A council may make other standing orders governing remote attendance at meetings of that council, which may include provision for—

- (a) voting;
- (b) member and public access to documents; and
- (c) remote access of the public to a council meeting.

4. In section 28(7) (overview and scrutiny committees: supplementary provision) and paragraph 9 of Schedule 5 (meetings and proceedings) to the 2014 Act, a reference to a person attending before a meeting includes that person attending by remote access.

5. Schedule 5 to the 2014 Act (meetings and proceedings) applies as follows—

- (a) any reference to being “present” at a meeting includes being present through remote attendance;
- (b) any reference to a “place” where a meeting is held, or is to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers; and
- (c) in paragraph 5(1)(a) after “the offices of the council” insert “or on the council’s website”.

Public access

6. In sections 34 and 35 (meetings and access to information etc.) and Part 8 (access to meetings and documents) of the 2014 Act, references to—

- (a) a meeting being “open to the public” include 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 in person; and
- (b) being “present” at a meeting includes access through remote means mentioned in (a).

Access to information

7. In section 42(6)(a) of the 2014 Act (admission to meetings of councils) after “the offices of the council” insert “or on the council’s website”.

8. In section 43(1) of the 2014 Act (access to agenda and connected reports) after “the offices of the council” insert “or on the council’s website”.

9. In section 49 of the 2014 Act (council to publish additional information)—

- (a) in subsection (3) after “the offices of the council” insert “or on the council’s website”; and
- (b) in subsection (4) after “the offices of the council” insert “or on the council’s website”.

Decision-making

10. In sections 39 (simple majority) and 40 (qualified majority) of the 2014 Act references to “members present and voting on the decision” includes a member being present through remote attendance.

Amendment of The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015

11. The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015(a) shall be amended in accordance with regulations 12 to 14.

12. In regulation 2 (interpretation) after the definition of “nominating officer” insert—

““open to the public” includes access 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 in person;”.

13. In regulation 19 (admission of the public to meetings of council executives and their sub-committees), after “in public” insert “; open to the public”.

14.—(1) The provisions to which this paragraph applies may be complied with by publishing that notice, agenda, report or document on the council’s website.

(2) The provisions to which paragraph (1) applies are—

- (a) regulation 20(2) (procedures prior to private meetings);
- (b) regulation 20(4);
- (c) regulation 20(7);
- (d) regulation 22(2) (publicity in connection with key decisions);
- (e) regulation 23(1)(b) (general exception);

(a) S.R. 2015 No. 44.

- (f) regulation 23(3);
 - (g) regulation 24(2) (cases of special urgency); and
 - (h) regulation 27(1) (inspection of documents following executive decisions);
- (3) The following provisions are disapplied—
- (a) regulation 27(2);
 - (b) regulations 33(1) (a) and (c) (inspection and supply of documents); and
 - (c) regulation 33(2).

Sealed with the Official Seal of the Department for Communities on 30th April 2020.



Anthony Carleton
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 78 of the Coronavirus Act 2020. This is the first use of this enabling power in Northern Ireland. These Regulations make provision regarding the running of district council meetings by making amendments to the Local Government Act (Northern Ireland) 2014 and The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015.

Regulation 1 sets out preliminary matters and defines terms used in these Regulations.

Regulation 2 makes amendments to the provisions governing the frequency of council meetings.

Regulations 3, 4 and 5 make provision for remote attendance at council meetings by members of the council and by the public.

Regulation 6 makes provision for remote access to council meetings by the public.

Regulations 7, 8 and 9 enable the council to publish certain information about council meetings on the council's website.

Regulation 10 amends the governance provisions of councils to ensure that "members present and voting on the decision" includes members in remote attendance.

Regulations 11 to 14 amend The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015 to ensure the public may access council executive meetings remotely.

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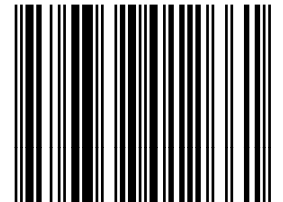
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