

This briefing has been prepared by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) to address the question of local authority hybrid meetings in light of the Coronavirus Pandemic and restrictions imposed by The Health Protection (Coronavirus Restrictions) (No.2) (England) Regulations 2020 (4 July 2020). It also covers gatherings outdoors.

The situation on restrictive provisions is evolving at pace, with Government changes currently being reviewed every 28 days. This brief is current from the 7th July 2020 but will inevitably be subject to change resulting from subsequent regulations.

MO's and Governance Officers are advised to discuss the brief with their senior leadership team and Leader in order to form their own opinion.

1. Introduction

- 1.1 [The Health Protection \(Coronavirus Restrictions\) \(No.2\) \(England\) Regulations 2020](#) ("the Regulations") came into force on the 4 July 2020 and end on 3rd January 2021 (unless revoked earlier).

2. Revocations and Designations

2.1 The Regulations revoke: -

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the "first Restrictions Regulations") (except for regulation 2 (Business Closure));
- (b) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020;
- (c) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020;
- (d) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020;
- (e) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020;

2.2 Designations from the first Restrictions Regulations remain in force in relation to powers conferred by regulations 8(12)(a), 10(3)(b), 10(11) and 11.

3. Leicester

3.1 Regulations 4 (requirement to close business) and 5 (restrictions on gatherings) do not apply in relation to those areas which form the “protected area” under the [Health Protection \(Coronavirus, Restrictions\) \(Leicester\) Regulations 2020](#) whilst in force (see those regulations for specific restrictions relating to the geographical area as so defined).

4. Provisions Relating to Gatherings Exceeding 30 People Outdoors.

4.1 No more than 30 persons can participate in a gathering in a private dwelling, a houseboat or a vessel (other than that used for public transport) or on land regulation 5(a)(b)(i-iii). Land is defined as a public outdoor place – regulation 5(2)

4.2 Local Authorities are however, able to exceed the 30 person restriction on land provided that certain provisions apply and the ‘land’ in question is either operated by the authority as a visitor attraction or part of the premises is used for the operation of a public body – regulation 5(2)(a)&(b).

Steps to Exceed the 30 Person Restriction on Gatherings Outdoors

4.3 The gathering must be organised by the public body - regulation 5(3)(a)(i)

4.4 The person responsible for organising the gathering has carried out a risk assessment (satisfying the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999 whether or not the gathering organiser is subject to those Regulations - regulation 5(3)(a)(ii)), **and** the organiser has taken all reasonable measures to limit the risk of transmission taking into account the risk assessment 5(3)(a)(iii).

4.5 The gathering is reasonably necessary – regulation 5(3)(c) for:-

- work purposes or the provision of voluntary or charitable services - regulation 5(3)(c)(i)
- the purposes of education or training - regulation 5(3)(c)(ii)
- the purposes of childcare – regulation 5(3)(c)(iii)

- to provide emergency assistance - regulation 3(c)(iv) to enable persons in the gathering to avoid injury or illness or to escape a risk of harm - regulation 3(c)(v)
- the person concerned is fulfilling a legal obligation - regulation 3(d)

4.6 In determining whether all reasonable measures have been taken to limit the risk of transmission under regulation 5(3)(a)(iii), any guidance issued by the government relevant to the gathering must be taken into account - regulation 5(5).

5. Hybrid/Blended Meetings and Full Meetings

5.1 Nothing in the regulations prevents more than 30 individuals meeting inside the council building, however, it is clear from the guidance that the government still expects use of the virtual meeting provisions (see paragraph 5.2) where possible. It is a matter for each authority whether it wishes to conduct hybrid meetings and/or full meetings provided it can satisfy the principles laid out in the government's [core public health guidance](#), [social distancing guidance](#), [working safely during coronavirus](#) guidance, [the Covid-19 Guidance for the Safe Use of Council Buildings](#) and the [Covid-19 Guidance for the Safe use of multi-purpose community facilities](#). This includes the need to carry out a Covid-19 risk assessment. Authorities are urged to consult any previous advice it may have received on this issue and to have regard to paragraph 6 below.

5.2 The provisions to hold virtual meetings 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](#) remain in force until 6th May 2021.

6. [The Covid-19 Guidance for the Safe Use of Council Buildings](#).

6.1 The government continues to recommend within its guidance that where meetings can take place virtually without the need for face-to-face contact, they should continue do so.

6.2 The guidance stipulates that where council buildings need to be used for physical meetings, these meetings must be managed within the social distancing guidance and principles set out within its guidance.

6.3 The government provides examples (within the Safe Use of Council Buildings Guidance) in relation to meetings, which demonstrate where the guidelines



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might apply, but are not limited to: meetings of civic, political or community groups (e.g. parish council meeting, ward meeting of political party; charity board of trustees) MP or councillor surgery/drop-in session, public meetings and local consultations (e.g. planning).

END

Useful Link

[LGA Guidance on Hybrid Meetings](#)