EXPLANATORY MEMORANDUM TO

The Local Government (Remote Meetings) Regulations (Northern Ireland) 2024
SR 2024 No. XX

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made in exercise of the powers conferred under section 2(1) to (4) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021 ("the 2021 Act") and is subject to the draft affirmative procedure.

2. Purpose

2.1. The purpose of these Regulations is to make provision to enable district councils in Northern Ireland to hold meetings remotely including by (but not limited to) telephone conference, video conference, live webcasts and live interactive streaming.

2.2. The Regulations apply to all councils and all council meetings, including a joint committee of two or more councils, an executive of a district council and a committee or sub-committee of a council, an executive of a council, or a joint committee.

2.3. These Regulations allow that where a member meets the conditions for remote attendance, they are eligible to take part in votes. The conditions relate to the ability to hear and be heard and, where practicable, see and be seen.

2.4. Remote access includes access by the public to a council meeting to enable them to attend or participate in the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

2.5. These Regulations make modifications to the Local Government Act (Northern Ireland) 2014 ("the 2014 Act") related to remote meetings. This includes making modification to sections 39 (simple majority) and 40 (qualified majority) of the 2014 Act to ensure a member in remote attendance meets the criteria of these sections in relation to being present and voting on a decision.

3. Background

3.1. The Regulations provide councils with the flexibility to hold meetings remotely. For the purposes of any statutory requirement, members of the council will be considered as attending the meeting if they can hear and be so heard, and where practicable see and be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conference, video conference, live webchat and live streaming.

3.2. These Regulations also require councils to make standing orders about remote attendance at meetings of the council:

- setting out the process or basis for considering whether meetings are to be held remotely;
- governing the arrangements for and conduct of remote meetings; and

- regulating public access to such meetings and the availability of documents to the public in relation to those meetings.

3.3. By virtue of these Regulations the "place" at which a council meeting is held is not confined to the council building. The "place" may be where the instigator or arranger of the meeting is, or electronic, digital or virtual locations such as the internet locations, web addresses, or conference call telephone numbers. By virtue of these Regulations, a person is attending a meeting in a specific place if they are attending at different types of location, including physical, electronic, digital or virtual locations.

3.4. 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.

4. Consultation

4.1. There is no statutory requirement for Regulations under the 2021 Act to be consulted on and as such no formal consultation has taken place. A public call for evidence was completed by the Department on the principle of whether councils should have flexibility to hold remote/hybrid meetings. This was issued on 21 December 2021 running until 15 February 2022. The response to this call for evidence was generally supportive of provision being made for remote/hybrid meetings of councils.

4.2. The Department also engaged with councils on the Regulations. An initial draft of the Regulations was sent to councils for comment on 12 March 2024 and a further draft was issued for comment on 3 May 2024. District Councils are supportive of the introduction of the Regulations and have asked that the Regulations be made as soon as possible.

5. Equality Impact

5.1. The Department has given consideration to compliance with section 75 of the Northern Ireland Act 1998 and has conducted a screening analysis to identify any significant discriminatory or negative differential impact on any particular section 75 group. The screening analysis concluded that a full equality impact assessment is not required as no adverse impacts have been identified.

6. Regulatory Impact

6.1. The Department considers that the proposed Regulations will not have a direct impact on businesses, charities, social economy enterprises or the voluntary sector.

7. Rural Impact

7.1. Consideration has been given to the rural impact of the proposed Regulations and determination has been made that they will not have a negative impact on those from rural communities; rather, they are likely to improve engagement of those in rurally located areas.

8. Financial Implications

8.1. There are no financial implications for the Department.

9. Section 24 of the Northern Ireland Act 1998

9.1. The Department is satisfied that these regulations comply with section 24 of the Northern Ireland Act 1998.

10. EU Implications

10.1. Not applicable

11. Parity or Replicatory Measure

11.1. Not applicable

12. Additional Information

12.1. Not applicable