



From: The Minister

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Our ref: AQW 8315/22-27
Date: 11 April 2024

Kellie Armstrong MLA
14 South Street
Newtownards
BT23 4JT

Via email: kellie.armstrong@mla.niassembly.gov.uk

Dear Kellie,

AQW 8315/22-27 - TO ASK THE MINISTER FOR COMMUNITIES FOR ALL WRITTEN DOCUMENTS, INCLUDING ALL EMAILS AND DEPARTMENTAL CORRESPONDENCE, SENT BETWEEN 3 FEBRUARY 2024 AND 4 MARCH 2024 THAT MENTION OR PERTAIN TO SECTION 78 (LOCAL AUTHORITY MEETINGS) OF THE CORONAVIRUS ACT 2020 AND THE LOCAL GOVERNMENT (MEETINGS AND PERFORMANCE) ACT (NORTHERN IRELAND) 2021 TO BE LAID IN THE ASSEMBLY LIBRARY.

The relevant information in answer to AQW 8315/22-27 has been placed in the Assembly library.

Yours sincerely,

**Gordon Lyons MLA
Minister for Communities**



From: The DALO

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Telephone: 07923440303
e-mail: assembly.section@communities-ni.gov.uk
Our ref: xxx 202x
Date: Month 202x

Ms Emer Boyle
Communities Committee Clerk
Room 430
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Emer,

Extension of expiry date of section 78 of the Coronavirus Act 2020

On 22 February the Committee considered the following statutory rules which were made, during the period the Assembly was dissolved, under section 90(2) of the Coronavirus Act 2020 ("CVA"):

- **SR 2023 No. 48** - The Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (Northern Ireland) 2023 - extending section 78 to 24 March 2023;
- **SR 2023 No. 51** - The Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 2) Order (Northern Ireland) 2023 – extending section 78 to 24 September 2023;
- **SR 2023 No. 140** - The Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 3) Order (Northern Ireland) 2023 - extending section 78 to 24 March 2024.

The Committee agreed to recommend the Assembly approve each of the statutory rules.

The CVA was intended as emergency legislation. Minister Lyons, having considered whether it is appropriate for the extension orders to be put before the Assembly for approval and whether another extension order should be made to extend the provisions of section 78 of the CVA for a further 6 months, has concluded that there is no justification for the continued extension of provisions of the CVA. Assembly approval for the above Orders will therefore not be sought.

Section 96(7) of the CVA provides that any order made under section 90(2) will cease to have effect 40 days from the date of making unless it has been approved by resolution of the Assembly (the 40-day period does not include any time in which the Assembly is dissolved, in recess for more than 4 days or adjourned for more than 6 days). The 40-day approval period for the extension Orders is due to expire on 6 March 2024 (although that does not affect anything previously done under or by virtue of the Order). The current extension Order (S.R. 2023 No. 140) will therefore cease to have effect after 6 March 2024.

This matter will be brought to the attention of councils.

The Local Government (Meetings and Performance) Act (Northern Ireland) 2021 provides a power for the Department to make regulations for the purpose of or in connection with ensuring district councils meetings may be held remotely. The Minister has asked that the Department proceed on regulations under the 2021 Act instead.

Yours sincerely,

Simon Farmer
Departmental Assembly Liaison Officer
Private Office



To: Council Chief Executives

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Our ref:
Date: 1 March 2024

Dear Chief Executive

Council Remote/Hybrid Meetings

Section 78 (local authority meetings) of the Coronavirus Act 2020 (“CVA”) contained provision to provide councils with the flexibility to hold meetings by remote or hybrid means during the Coronavirus emergency. This included an enabling power for the Department to make subordinate legislation regarding remote/hybrid meetings and the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 were subsequently made and came into operation on 1 May 2020.

The expiry date of section 78 of the Coronavirus Act 2020 has been extended a number of times, with the current extension Order - the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 3) Order (Northern Ireland) 2023 - extending the provisions to 24 March 2024, thus allowing councils to continue to hold remote/hybrid meetings under the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020.

The section 78 extension orders were made under the Assembly’s confirmatory procedure which means that, whilst an Order comes into operation once made, it will cease to have effect 40 days from the date of making unless it has been approved by resolution of the Assembly (the 40 day period does not include any time in which the Assembly is dissolved, in recess for more than 4 days or adjourned for more than 6 days). The 40-day approval period for the current extension Order is due to expire on 6 March 2024.

The CVA was intended as emergency legislation. The Communities Minister, Minister Lyons, having considered whether it is appropriate for the current extension order to be put before the Assembly for approval and whether another extension order should be made to extend the provisions of section 78 of the CVA for a further 6 months, has concluded that there is no justification for the continued extension of provisions of the CVA.

The current extension Order (S.R. 2023 No. 140) will cease to have effect by virtue of section 96(7) of the Coronavirus Act after 6 March 2024 (although that does not affect anything previously done under or by virtue of the order). This will mean that the



provisions which enable councils to hold remote/hybrid meetings will fall and legislation will revert back to the position before the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020 were made.

Councils should therefore make arrangements to ensure they are positioned to hold meetings in person after 6 March 2024.

The Local Government (Meetings and Performance) Act (Northern Ireland) 2021 provides a power for the Department to make regulations for the purpose of or in connection with ensuring district councils meetings may be held remotely. The Minister has asked that the Department proceed on regulations under the 2021 Act instead.

The Department will continue to update councils regularly on this matter.

Yours sincerely

Anthony Carleton
Director
Local Government & Housing Regulation

**REQUEST: PSG/SOLACE Joint Chairs meeting - Agenda Item request -
Response due COP Tuesday, 5 March 2024**

Response - 4 March 2024

Ability to Hold Remote Hybrid meetings in Council.

The Communities Minister, having considered whether it is appropriate for the current extension order to be put before the Assembly for approval and whether another extension order should be made to extend the provisions of section 78 of the CVA for a further 6 months, has concluded that there is no justification for the continued extension of provisions of the CVA. Councils should therefore make arrangements to ensure they are positioned to hold meetings in person after 6 March 2024.

The Minister has asked that the Department proceed on regulations under the Local Government (Meetings and Performance) Act (Northern Ireland) 2021 instead. Officials are working to bring in any new regulations as soon as possible.