

Meeting	Finance & Policy Committee
Date	18 th May 2021
Report Title	Roadmap to returning to physical meetings
Agenda Reference	9
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Clerk's Recommendations:

1. Based on recent CALC advice to reconfirm the Scheme of Delegation resolution wording to the following:

That the Council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity, informed by consultation with the members of the council. The scheme of delegation will be reviewed in July 2021.

2. To hold a physical Full Council meeting on 22nd June 2021 to sign the AGAR and Annual Return. This meeting will be limited to the minimum number of Councillors (Quorum is 6) and 1 Clerk.
3. To review the Scheme of Delegation at the beginning of July following the most recent government guidance and advice from our Health & Safety consultant.

Background

To remind members that the Council implemented a Scheme of Delegation in preparation for an unsuccessful High Court ruling which meant the ability to meet and make decisions using virtual meeting arrangements was no longer lawful.

Advice as of 14th May 2021

The seven County Associations of Local Councils (CALCs) have collaborated to produce common guidance and information for local councils. Below is an abridged version of their guidance:

High Court Ruling Unsuccessful – what does that mean?

- All meetings of local councils, their committees, sub committees or any other meeting held under the 1972 Local Government Act Sch 12 10 must be held as a physical, face-to-face meeting from 7th May 2021.
- Members of the public must be able to attend any physical meeting. A secondary judgement has confirmed that the limiting the public to virtual access is unlawful; they must be able to attend in person.
- Councils can continue to live stream/broadcast/record their meetings, but this cannot be instead of giving physical access to the meeting.



- Council meetings are defined as work for councillors, clerk and should be organised in accordance with Government guidance and the Covid 19 principles of hands, face, space and fresh air.
- Virtual formats may be used for business meetings of members and consultation with the clerk.
- Only decisions taken by the council at a face-to-face meeting, or under the Scheme of Delegation will be lawful.
- Councillors who insist on retaining the use of virtual council meetings may be at risk of a complaint under the code of conduct for bring the council into disrepute.

Cycle of Meetings

- The Council is required as a minimum to meet once in May for a statutory annual meeting and at least three other times during the year. This means that the council will not have failed in any regard if it reduces the number of public meetings over the next few months. Councils may wish to keep the number of physical meetings to a minimum and use the scheme of delegation for non-urgent business during the first 2 – 3 months.
- The Council may resolve to exclude the press and public from part of the meeting where the nature of the business to be discussed is deemed confidential, but this cannot be used to limit public attendance. Items which are normally discussed in an open session – planning, services, approval of minutes, payment of accounts etc cannot be moved into a closed session simply on the basis of excluding the public for health reasons.

Scheme of Delegation

The Council has already implemented an emergency Scheme of Delegation to the Clerk, Chairman and Vice Chairman. This will allow us to operate between meetings until such time as we are confident to return to a normal schedule of meetings. We have also added a review date on our delegation scheme. The Scheme of Delegation will support the council during the first few months ***but will not be used as a way of avoiding holding council meetings***. The six-month rule continues to apply, and we will need to meet at least once before November to avoid members losing their seat.

[The Openness of Local Government Bodies Regulations 2014](#) s7 requires the council to keep a record of any decisions made under delegation, together with the relevant paperwork.

What can and cannot be dealt with under the emergency scheme of delegation?

The scheme of delegation will cover:

- make day to day decisions.
- authorise budgeted expenditure.
- respond to consultations on behalf of the council.
- continue to deliver projects.
- respond to planning consultations.
- work with outside partners and public bodies for the benefit of the area
- anything urgent until such time as an extra ordinary meeting of the council can be called.



The following items will require a council meeting as they are not covered by the scheme of delegation:

- Co-option of councillors
- Election of Chair and Vice Chair
- Appointment of members to committees and other statutory roles
- Signing the AGAR annual return
- Setting the budget and precept
- Making permanent changes to council policies and governance documents such as Standing Orders, Financial Regulations. (Where this is urgent, it should be an interim arrangement until it can be approved at a meeting of council.)
- Granting extensions under the six-month rule

Financial Matters

The Council can make payments under the scheme of delegation without the need for approval at a meeting of the council or a committee.

Regardless of the Emergency Scheme of Delegation, members are still responsible for the management of the council's finances in accordance with its financial procedures. Nothing in the Emergency Scheme of Delegation removes the council's obligations to carry out assurances as normal. It should work with the Clerk/RFO to identify how this can be achieved and recorded.

[The Openness of Local Government Bodies Regulations 2014](#) s7 requires the council to keep a record of any decisions made under delegation, together with the relevant paperwork. We will keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The schedule can then be noted by the council at its next meeting. This may be required at audit in the following year.

Planning matters

For minor applications Council will use the Scheme of Delegation to respond. Through our monthly informal P&H committee discussion we are advertising the planning applications, where both the public and members have an opportunity to review and comment on the applications.

Roadmap for returning to physical meetings

There is no statutory guide in place for the management of local council meetings.

Local council meetings should be held in accordance with the four Covid 19 principles:

- How to meet the social distancing requirements entering and leaving the building and during the meeting
- What PPE materials should you provide – hand sanitiser, masks, wipes or spray.
- How can you limit sharing documents and materials – continuing to use laptops and tablets.
- Ensuring proper ventilation – can the windows be open during the meeting and beforehand if the room has been used during the day.



It is essential that we identify the risks and our H&S Advisor is reviewing our risk assessments after the 21 June in line with the most recent government advice.

Returning to physical meetings will mean:

- A different room layout
- Staggered times of arrival
- Minimal papers, electronic devices encouraged - any last minute papers will be displayed on the large screen or on Teams
- Masks to be worn during meetings unless there is sufficient distance
- Members of the public asked to wear masks during the meeting unless they wish to make a representation
- Limited access to toilets and kitchen
- Bringing your own drinks and no eating allowed
- Encouragement to take a LFT test before attending
- Displaying information on who should not attend – anyone displaying symptoms, tested positive, returned from abroad in last 14 days etc.
- Shorter and more focussed meetings
- Councillors who declare an interest and must leave the room will need a clear path and should wear a mask when moving about.