

THURSTON PARISH COUNCIL

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Paper prepared by: Clerk to the Parish Council for Parish Council Meeting: of 18th March 2020

Agenda Item 5: Statutory Functions –

- a) Council to review the scheme of delegation to ensure it is fit for purpose and would ensure minimal disruption to the work of the council if councillors are not able to attend meetings**
- b) Council to note that the government is to consider bringing forward legislation to remove the requirement for annual council meetings to take place in person**
- c) Council to note that the government is to consider bringing forward legislation to allow council committee meetings to be held virtually for a temporary period**

Background:

a) MANAGING RISKS TO THE COUNCIL

NALC recommends that local councils consider different scenarios and what actions might help mitigate any risks to the council.

This will vary for individual councils and it may be that no specific actions or changes are required.

Scheme of delegation

- It may be helpful to review the scheme of delegation to ensure it is fit for purpose and would ensure minimal disruption to the work of the council if councillors are not able to attend meetings and committees.
For example, the Council may wish to consider if certain decisions could be delegated to the clerk, in consultation with the chairman and vice-chairman, as a contingency plan in case council meetings are postponed due to the coronavirus.
- Council may wish to review critical functions or services and consider how these would continue in the case of staff absence

How do we make essential payments if we don't meet?

The model Financial Regulations provide considerable flexibility. There is scope for authorising regular payments in advance for up to a year, which might include utilities, regular contracts, staff salaries etc. This has already been undertaken for the current year (May 2019). Councils may wish to consider such advance authorisation where this has not been done. Proper use of internet banking can be considered if not already underway. Where cheques are the only method of payment, para 6.6. of the regulations do provide for signing of them other than at meetings. Whatever decisions are made in this regard, it is crucial to ensure proper scrutiny of records of payments and the accounts, in accordance with section 5 of the Financial Regulations.

What about Planning consultations?

The councils has no delegated responsibility for the Clerk to respond to planning consultations. It is suggested that the Council implement the practice, for the imminent future, of circulating requests for comments via email with the final decision being made by the Clerk as to the manner of the response following liaison with the Chairman and Vice Chairman as a form of check/balance and reassurance for the Clerk.

b) WHAT DOES THE LAW SAY ABOUT HOLDING COUNCIL MEETINGS?

There are a number of statutory meetings and deadlines that apply to local councils. There has been no change to legislation or government guidance to amend these statutory duties.

Where the law does not provide for a particular scenario (e.g. the holding of the annual council parish or town meeting outside of the statutory timeframe, if the government advises against meetings being held) the Parish Council should be guided by the government as to what should happen.

c) WHAT DOES THE LAW SAY ABOUT HOLDING COUNCIL MEETINGS IN THE PUBLIC DOMAIN WITH DECISIONS TAKEN BY THOSE PRESENT

NALC is currently liaising with the government on the democratic decision-making process (e.g. if councils are unable to be quorate for an extended period of time). The difficulties that councils are likely to experience or are expecting will become apparent without a change in legislation.

It is understood that this includes the question of phone/online attendance.

On 16 March 2020, local government secretary Robert Jenrick MP addressed over 300 council leaders and sector bodies in a call on the government's response to coronavirus. He reaffirmed the government's commitment to supporting councils to focus their efforts on the priority area of social care, providing vital support for vulnerable people and supporting their local economies.

NALC is awaiting confirmation that these changes will be applicable to local councils, plus legislation will need to be passed for this to come into effect and we are seeking clarification on the detail.

In particular, the MHCLG press release states:

- The deadline for local government financial audits will be extended to 30 September 2020.
- It will consider bringing forward legislation to remove the requirement for annual council meetings to take place in person.
- It will consider bringing forward legislation to allow council committee meetings to be held virtually for a temporary period.

Proposal:

- 1. Council to confirm that the powers specifically delegated to the Clerk/RFO as dated March 2020 are fit for purpose and will ensure minimal disruption to the work of the council if councillors are not able to attend meetings.**
- 2. Councils to approve advance authorisation of payments occurring on an annual basis for the period 1st April 2020 to 31st March 2021.**
- 3. Council to allow, with reference to para 6.6 of Thurston's Financial Regulations, the signing of cheques other than at meetings. To allow proper scrutiny of records of payments and the accounts, in accordance with section 5 of the Financial Regulations, any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.**
- 4. Council to agree to implement the changes in practice as to how it considers planning application responses and to allow the circulation of comments via email with the final decision being made by the Clerk as to the manner of the response following liaison with the Chairman and Vice Chairman as a form of check/balance.**
- 5. Council to agree to implement the changes in legislation to remove the requirement for annual council meetings to take place in person once enacted by the government.**

- 6. Council to agree to implement the changes in legislation to allow council committee meetings to be held virtually for a temporary period once enacted by the government.**