

PREPARATION FOR MEETINGS DURING PANDEMIC

1.0 INTRODUCTION

The Regulations that currently facilitate virtual meetings of Local Authorities ended on 6 May 2021. The government has, to date, not extended this power and physical meetings of Council and Committees resumed from 7th May 2021.

Representations are being made to government by NALC, the LGA, SLCC and the unions, to enable virtual meetings to take place and the government might still take action to allow virtual meetings to continue.

This report was first presented to Council in April 2021 and it was felt inappropriate to implement a scheme that the new council might immediately change.

2.0 NALC GUIDANCE

Appendix A to this report has been provided by NALC to assist Councils to prepare for the return of physical meetings.

3.0 OPTIONS FOR THE IVERS PARISH COUNCIL

Four frameworks have been identified:

3.1 Continue to meet remotely

Any decisions taken if the Council continues to meet remotely could be challenged as ultra vires.

3.1.1 Associated risk and cost

The risk of legal challenge could be considered low except in the case of Planning related comments however it should be noted that the Planning Committee merely submit comment rather than make planning decisions. The Council might receive complaints from the public that it was acting unlawfully that it would need to acknowledge and respond to.

The zoom licence has been renewed and expires April 2022

3.2 Temporary scheme of delegation to Clerk

This option does not impede the work of the council; it is a technical work around for a regulatory void. This option would need to be in place until the removal of social distancing requirements which are anticipated to be 21st June 2021 earliest.

The meetings schedule would continue as per Council meeting schedule with meetings held remotely with public participation and appropriate presentations. However, the outputs would be recommendations to the Clerk who, in consultation with the appropriate Chair would then take action according to recommendation.

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This temporary arrangement can be reviewed by the Council on a monthly basis and the temporary scheme of delegation can be ended when it no longer serves a purpose.

3.2.1 Risk and cost

There is a low risk to reputation caused by the council being seen to be driven by bureaucracy. There is no extra call on resources

3.3 Face to face meetings

This would be in line with the NALC guidance. The Health Protection (Coronavirus Restrictions) (Steps) (England) Regulations 2021 includes an exception (number 3) that a gathering is allowed where it is necessary for certain purposes which include 'for work purposes or the provision of voluntary or charitable services'. This applies to councillors and officers attending a meeting however recent correspondence from government advises that public attendance at meetings should continue in a remote fashion for the time being where possible and this indicates that the Admission to Meetings Act 1960 and Local Government Act 1972 do not prohibit public access by remote means. This is currently being examined by the courts

The Jubilee Pavilion might be able to accommodate some members of the public along with councillors and officers however the guidance steers towards the public attending remotely.

The Jubilee Pavilion can be set out to ensure social distancing of councillors and officers however there is no suitable sound system to ensure that all attendees can engage in the meeting in their seated position and it is likely that a lectern will be required for a persons wishing to speak. Dependant on the requirements of any new regulations virtual access and engagement by the community will need to be commissioned and equipment sourced for, potentially, cameras, screens, microphones and sound systems. Inetex is currently costing such provision.

3.3.1 Risk and cost

The community could consider the council to be acting against the spirit of shielding and protecting others if it resumes physical meetings for no reason other than a lack of enabling statute; this constitutes a reputational risk that is likely to be compounded with less agreeable community engagement opportunities through a 'hybrid' arrangement.

The Council will carry suitable insurance for Covid infections that could be traced to the meeting provided that the Covid security arrangements are adhered to however such claims are likely to add cost to future premiums.

Councillors and officers, particularly those who are unvaccinated, might also be unwilling to take what they perceive as an increased risk

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to attend a physical meeting however lateral flow tests could be purchased and provided to all councillors and staff for use before a meeting. This would fall outside of the provision of lateral flow tests provided by government and would be at a cost.

There is increased cost associated with the purchase and set up of a 'hybrid' arrangement

3.4 Temporary scheme of delegation to Committee

This option does not impede the work of the council but requires commitment by a Committee to attend a physical meeting; it is a technical work around for a regulatory void. This option would need to be in place until the removal of social distancing requirements which are anticipated to be 21st June 2021 earliest.

The meetings schedule would continue as per Council meeting schedule with meetings held remotely with public participation and appropriate presentations. However, the outputs would be recommendations to the Committee which would then take action according to recommendation.

It is recommended that the temporary delegation be given to the existing Finance and Audit Committee that consists of 4 councillors; 2 of which are ex-officio positions.

This temporary arrangement can be reviewed by the Council on a monthly basis and the temporary scheme of delegation can be ended when it no longer serves a purpose.

3.4.1 Risk and cost

There is a low risk to reputation caused by the council being seen to be driven by bureaucracy. There is, however, a considerable call on resources:

- The Committee will need to meet regularly and at timely intervals. It will need to meet the day after Planning Committee to resolve the comments to be submitted to the Planning Authority. Assume one meeting a week
- The Committee will meet in public at the Jubilee Pavilion in a Covid secure environment and the public and press will be able to attend
- Agendas will need to be prepared, served and posted on noticeboards
- Minutes will be taken and included in the minute book.
- Covid cleaning of the venue will need to be undertaken
- Covid security will require a person to 'marshal' and clean the microphone/lectern after each speaker.

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4.0 RECOMMENDATIONS

It is recommended that Council agrees a Temporary Scheme of Delegation (Attached as Appendix A) to the Clerk to be operated from 18 May 2021 for a period until Council resolves to end the scheme.

For further information, contact:

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Appendix A to the report

The Ivers Parish Council - Temporary Scheme of Delegation

(Where the legislation refers to Proper Officer this is the Clerk to the Council for The Ivers Parish Council)

1. What is a delegated power?

1.1 Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.

1.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

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- 1.3 The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
- 1.4 In an emergency the Proper Officer is empowered to carry out any function of the Council
- 1.5 Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

2. Delegation to the Proper Officer from 7 May 2021

- 2.1. As a temporary measure, to allow for effective decision making whilst Covid-19 restrictions and considerations are in place, the Proper Officer may be empowered to take any and all decisions recommended to them by the relevant Committee or the Council following consultation with the appropriate Chair
- 2.2 The Proper Officer may not take additional decisions that are required by statute to be taken by the Council

3. Council matters

- 3.1 The following items are reserved for Council decision only and cannot be delegated to an Officer.
 - To appoint the Chairman and Vice-Chairman in May each year
 - To sign off the Governance Statement by 30 June each year
 - To set the Precept
 - To appoint the Head of Paid Service (Clerk)
 - To make byelaws
 - To borrow money
 - To consider any matter required by law to be considered by Council

APPENDIX B TO THE REPORT

NALC ADVICE ON RETURN OF FACE TO FACE MEETINGS

<https://www.nalc.gov.uk/coronavirus#preparing-for-the-possible-return-of-face-to-face-meetings>

The regulations that allow local authorities to hold meetings remotely apply to local authority meetings that are required to be held, or held, before 7 May 2021. This means that, without any further action from the government, all local authorities including local councils must return to face to face meetings from 7 May. NALC is working with a number of national bodies to press the government to extend these regulations beyond this date and will continue to stress the urgency and importance of this issue. However, at this time government has no plans to extend these

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regulations and so councils should start preparing for the real possibility of face to face meetings from May.

NALC's position remains that all local councils should continue to meet remotely while the regulations are in force. The guidance below has been written to help local councils prepare for the scenario that remote council meetings cannot lawfully take place from 7 May 2021. There is still much uncertainty around how legislation or COVID-19 risks may change over the coming weeks and months. NALC will update this guidance as the situation evolves. Each council will have to decide which course of action will best fit their needs and manage risks.

To help local councils prepare for this possibility some advice and suggestions are below:

- Consider what council business can be conducted before May so that the council can dedicate time to those issues in remote meetings. The more discussion and decisions you can conduct in remote meetings means the council can aim to hold fewer and shorter face to face meetings after May.
- This may require more meeting time than is currently planned, so the council should look at the meeting schedule in the run-up to May and see if more time or more meetings are required. Where possible, consider holding the annual council meeting and the parish meeting while the current Regulations permit for them to be held remotely (see also NALC's **Legal Briefing L01-20**).
- Consider when the council does need to meet face to face, and whether meetings can be delayed to later in the year when the potential COVID-19 risk may be further reduced.
- The council might consider holding a remote meeting as late as possible in April so that councillors who are unable to attend face-to-face meetings will have as much time as possible before disqualification by virtue of s.85 of the Local Government Act 1972 becomes an issue.
- It may help the council's business continuity to implement (or review) a scheme of delegation. This would allow the clerk to make certain decisions for the council, which would be especially important if the council were unable to hold meetings due to COVID-19 risks. In reviewing/adopting a scheme of delegation the council should ensure there is clarity around which decisions are delegated and which are not, for how long the scheme of delegation is in place, and when the scheme of the delegation will end or be reviewed.

Some tips that may help manage well-attended remote meetings are:

- keeping the meeting short with limited business/votes
- using electronic voting tools (many platforms have built-in tools for voting)
- if you plan to vote by a show of hands or calling a register then budget significant extra time for this
- building in public engagement through online tools, that you could use to ask the public to feedback or express views that you would usually discuss in a meeting You could do also do this before or after the meeting as a way of ensuring ongoing public engagement (there are a number of free tools available online)

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- build in time to practice and prepare with the Clerk and Chairman in advance of the meeting
- Further guidance on **holding effective remote meetings** available from NALC

From May 2021, as face-to-face council meetings resume there will still be the risk to attendees of COVID-19 exposure. Councils should conduct a risk assessment in advance of a face to face meeting which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitiser to those entering the meeting room and making sure hand sanitiser is readily available in the room itself
- Staggering arrival and exit times for staff, councillors and members of the public
- Placing seating at least 2-metres apart
- Ensuring everyone wears face masks
- Holding paperless meetings
- If papers are provided, people should be discouraged from sharing with others and asked to take the papers with them at the end of the meeting to minimise how many people handle the papers
- Arranging seating so people are not facing each other directly
- Choosing a venue with good ventilation, including opening windows and doors where possible
- Choosing a large enough venue to allow distancing – this may mean choosing a different venue to what the council used before.
- The council (or venue owner/operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?
- If the venue has an NHS QR code to support test and trace then all attendees should register using that app, for those without access to the app they should register attendance in line with the venue's test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a **test and trace procedure**
- Venues must conform with the government guidance for **multi-purpose community facilities** and for **council buildings**. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance
- The council must understand and ensure it is acting in compliance with the latest government **safer workplaces guidance**

Managing staff:

- It would be advisable to inform the clerk and any other staff whose role involves supporting or attending council meetings, as soon as possible that the council will need to prepare to return to face to face meetings from May onwards. This will allow them to make the necessary preparations as described above, and also to allow time to engage with staff to alleviate any concerns they may have related to attending physical meetings again.

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- Councils should consult with staff (ask for and consider their views to try and reach an agreement) about returning to work as part of their preparations for face to face meetings.
- The council must make the workplace (including council meetings) as safe as possible for staff, this includes undertaking a risk assessment, taking reasonable steps to reduce risks identified in the risk assessment, and ensure it is acting in compliance with the latest Government **safer workplaces guidance**
- ACAS have produced useful **guidance for employers and employees** related to COVID-19, including advice on how to support staff to **return to the workplace** and how to manage situations where staff may be worried or not wish to return.