

COUNCIL – 15 NOVEMBER, 2021

REPORT ON MEETINGS AND DECISIONS

1.0 INTRODUCTION

This report is being prepared as a summary of discussion, recommendation and decision making at The Ivers Parish Council for the period 26th May 2021 to 14 November 2021. The Council met on the 25th May 2021 and considered both the risks associated with physical meetings and the court judgement in relation to formal meetings of the Council. This judgement required council's to return to physical meetings and there was no assistance from central government to assist by extending the Coronavirus Regulations.

The council resolved that councillors would convene on line, in the same format as previously, whilst being accessible to the community, in a safe manner. The same format of meetings was preserved in order not to hinder transparency.

2.0 DELEGATION OF DECISION MAKING

The Council met on 25th May 2021 and resolved to meet remotely and to delegate decision making to the Clerk. Subsequent meetings of the councillors reconsidered the Covid situation and the vaccination roll out and recommended to continue to meet remotely; the delegation of decision making to the Clerk was recommended to continue. The current delegation will be ended by the Clerk on 14th November 2021. The 15th November meeting is in advance of the 6 months deadline for councillor attendance at a Council meeting and thus meets the criteria for councillor attendance.

For clarity the online meeting approach was reviewed monthly on the following dates:

- 21st June
- 14th July
- 6th September
- 18th October

3.0 RECOMMENDATIONS MADE TO CLERK

The following 'non-standing item' recommendations were made:

<i>Minute</i>	<i>Topic</i>	<i>Action by Clerk</i>
054/21	Climate Emergency	Declared
	Working group to be formed	Pending
055/21	Committee Membership	Councillors join committees
056/21	Casual vacancy	Process actioned
057/21	Iver Heath Fun Day	Permitted
058/21	3 grants	Grants made
059/21	External Bodies	Appointments made
065/21	Internal Audit Report	Received
066/21	AQMA land	Bucks contacted
	Working group to be formed	Pending
088/21	Co-option	Processed
090/21	Councillor IT	Actioned

108/21	Calendar of meetings	Processed
113/21	Policy collation and tracking	Actioned
114/21	Staffing structure	Actioned
197/21	Committee membership	Processed
218/21	1 grant	Grant made
221/21	Additional budget allocations	Actioned
224/21	Code of Conduct	Adopted
225/21	Parish Charter	Response submitted
227/21	Standing Orders and Finance Regs	Adopted
	H+S and HR support	Actioned
228/21	NALC and BMKALC fees	Actioned
231/21	Wreath arrangements	Actioned
275/21	Co-option	Processed
277/21	1 grant	Grant made
280/21	Return to physical meetings	Actioned
281/21	Electoral boundary review	Response submitted
283/21	London Green Belt Council	Actioned
284/21	Interim H+S Policy	Processed

In addition to the above the following were recommended by councillors:

- All Accounts for Payment were recommended for receipt and were actioned by the Clerk.
- All Committee minutes were recommended for receipt and any actions required were undertaken by the Clerk
- All quarterly finance reports were recommended for receipt
- The previous minutes of the Council were recommended for receipt

4.0 TERMINOLOGY AND LEGAL SITUATION

The approach detailed in this report was undertaken by the council in order to stay safe, be transparent and be accessible in as safe a manner as possible to the community but to also continue to look after the community and deliver the council's responsibilities as thoroughly as possible.

At no point were councillors summoned to attend a meeting as formal meetings are not permitted to occur online.

At no point did councillors make decisions whilst convening online. From the period 26th May 2021 to 14th November 2021 the Clerk has operated the Council under delegated decision making whilst receiving recommendations from council and committee following debate.

The council accepts that it has not met formally as a Council (see NALC Legal advice Appendix A to this report) however it has operated in a legal manner.

The advice from NALC is that minutes should not be taken however this is not an absolute and in the interests of transparency and maintaining a semblance of operational cohesion minutes have been taken and are referred to. These minutes are most likely to be of keen interest for future generations as the minutes demonstrate how the council operated during the commencement of Covid recovery.

To ensure that the Council cannot be construed to have operated outside of the parameters of the statute this report makes formal recommendation regarding Resolutions.

The Council is required to meet four times a year; with the 15th November meeting the Council will have met 3 times.

5.0 RESOLUTIONS

It is recommended that the Council resolves:

- a. All council and committee recommendations for the period 26th May to 14 November 2021
- b. To accept all apologies for councillor absence for the period 26th May to 14th November 2021

For further information, contact:

Stephanie Bennett
Clerk to the Council
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clerk@iverparishcouncil.gov.uk

Appendix A

Dear Stephanie,
Re: Client: The Ivers Parish Council
Subject Matter: Meetings

I have been allocated this request to advise upon and I have seen your emails dated 22 October and 2 November 2021. In view of the circumstances, I have dealt with this matter urgently. The issue in this request is whether the Parish Council has used a correct procedure for meetings since June 2021.

I am told that at the Annual Parish Council Meeting in May 2021 a scheme of delegation of authority to the Parish Clerk was agreed. As a result, from June to October 2021 the Parish Councillors met by Zoom, together with members of the public, and discussed matters on an agenda. No decisions were made and the Clerk took account of the Parish Councillor's expressed views in making decisions under the scheme of delegated authority. Minutes were taken for these meetings. The meetings have now been questioned by the Parish Council's auditor.

Since 6 May 2021 a Parish Council has to meet in person and Zoom meetings are not valid. As a result, the meetings that occurred can be no more than informal discussions by the Parish Councillors and should not be referred to as meetings and should not be minuted, although the Parish Clerk may wish to have notes to refer to when making delegated decisions.

An important result of this situation is that the Parish Council has not met since May 2021 and if it does not meet within six months of the date of the last legal meeting in May then all Parish Councillors will lose their position and elections will be needed to fill all the posts. The last date for a legal Zoom meeting was 6 May 2021 so unless a meeting in person meeting has taken place since then it is necessary for the Parish Council to meet before 6 November 2021.

I hope that this clarifies the position but if the council requires any further information or advice, please contact NALC again.

Yours sincerely,

Gary Barker

Solicitor

NALC