



LEIGHTON-LINSLADE TOWN COUNCIL

COUNCIL

Date: 26 April 2021

Title: Meetings and Decision Making 2021-2022

Purpose of the Report: To seek Council direction on meetings for the municipal year 2021-22.

Contact Officer: Mark Saccoccio, Town Clerk
Sarah Sandiford, Deputy Town Clerk
Ian Haynes, Responsible Health & Safety Officer

Corporate Objective/s		To consolidate processes and procedures, ensuring operational efficiency and a structure which will underpin future service delivery by the Town Council.
Implications:		
Financial	None	
Human Resources	None	
Operational/Service delivery	Yes	To continue to ensure operational efficiency and effective scrutiny and decision-making processes through the legal mechanisms available, whilst mindful of responsibilities in respect of Covid-19 and health and safety.
Procedural/Legal	Yes	The statutory number of Council meetings and the statutory Parish meeting are included in the proposed calendar. Current temporary legislation regarding meetings expires on 7 May 2021.
Risk/Health & Safety	None	

1. RECOMMENDATIONS

Should Council be minded:-

- 1.1 To note the report.
- 1.2 To endorse that the Annual Council Meeting be moved from Monday, 17 May to Tuesday, 4 May to allow it to be held remotely in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
- 1.3 To endorse the proposed Calendar of Meetings for 2021-22 (Appendix A), with the following arrangements in place:

- (i) Meetings scheduled from 7 May 2021 – 21 June 2021 will be held remotely, if the High Court action being taken on 21 April 2021 (with Government support) finds that remote meetings are lawful in accordance with the Local Government Act 1972.**
- (ii) If the High Court decision is not in favour of the continuation of remote meetings or until such time as a decision has been published, meetings scheduled from 7 May 2021 – 21 June 2021 will be cancelled. Decision making will be delegated with councillor email approval in line with the procedure resolved by Council on 20 March 2020. Such authority will be further underpinned by the approval of revised Standing Orders which set out delegated authority arrangements at SO 15 (c) (vii).**
- (iii) It may be possible to hold meetings after 21 June 2021 in person, subject to:**
 - the Council having approved an appropriate risk assessment which incorporates Government guidance in respect of Covid-19 and takes into account its duty of care to councillors, officers and the public.**
 - an appropriate venue is available.**
 - any measures required by said risk assessment can be implemented by this time.**
 - appropriate arrangements in respect of members of the public can be put in place.**
- (iv) Should the steps at iii) not be achieved by 21 June 2021, meetings and decision making will continue as set out at i) or ii) (as applicable) until such time as those conditions can be met.**

1.4 To ask Council to note and endorse that in the event of any further changes to Government guidance which prevent face to face Council meetings taking place (e.g. in autumn/winter 2021), that arrangements as set out at 1.3 (i) or (ii) (as applicable) will be implemented until such time as formal meetings can be resumed.

2 BACKGROUND

- 2.1 The Council's Calendar of Meetings has followed an established annual pattern since the adoption of a revised Committee structure on 27 June 2016. The amendments included a reduction in the number of Sub-Committees and a change in standing committees to reflect the service area responsibilities of the Town Council.**
- 2.2 The revised structure has enabled each Committee to focus on the projects and services within its specific remit and to authorise expenditure and review future budgets accordingly.**

- 2.3 In 2020, as a result of the Covid-19 pandemic and first national lockdown, emergency procedures were endorsed by Council at its extraordinary meeting held 20 March 2020 to allow decisions to continue to be made although meetings could not lawfully be held.
- 2.4 Following changes in legislation in April 2020, the Council moved to holding virtual meetings online from July 2020, resuming its normal pattern of meetings for the remainder of 2020-21.
- 2.5 The legislation which permits remote meetings has a sunset clause of 7 May 2021 and the Government has now confirmed that this legislation will not be extended **(see letter at Appendix C)**.
- 2.6 There is a school of thought that meetings held remotely may in fact be lawful under the Local Government Act 1972. Legal action is being brought by Lawyers in Local Government, the Association of Democratic Services Officers and Hertfordshire County Council and a High Court decision is hoped for prior to the expiry of current temporary legislation.

3. CONSIDERATIONS FOR 2021-2022

ANNUAL COUNCIL MEETING

- 3.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 removed the requirement for local councils to hold an Annual Meeting in 2020-21.
- 3.2 Regulation 4 (2) provided that: “where an appointment would otherwise be made or is required to be made at an annual meeting of a local authority, the appointment continues until the next annual meeting of the authority or until such time as that authority may determine”. This regulation allowed the Council to elect a new Chair at its meeting held 28 September 2020.
- 3.3 Without any extension of the Regulations, the Council is now legally required to hold its Annual Meeting in accordance with legislation, as reflected in Standing Order 5 (b):
“In a year which is not an election year, the annual meeting of the Council shall be held on the third Monday in May, or any such day in May as the Council decides”.
- 3.4 As the Covid-19 requirements for an in-person meeting cannot easily be met by 17 May, it is highly recommended that the date of the annual meeting be brought forward to Tuesday, 4 May to allow the meeting to be held remotely.
- 3.5 A decision by Council on 26 April will allow an agenda to be published for a meeting on 5 May meeting the legal requirements of 3 clear days’ notice as specified in the LGA 1972 s243.

- 3.6 The agenda for the annual meeting will follow its usual form including necessitating the election of Chair as the first item of business, as set out in law.

FACE TO FACE MEETINGS

- 3.7 NALC guidance issued February 2021 (**see Appendix B**) sets out that in order to resume face to face meetings, consideration will need to be given by Council to:

- Capacity, suitability and availability of meeting space
- Likelihood of inaccuracy of meetings
- Frequency and duration of meetings
- Staffing requirements and duty of care implications
- Mitigation measures (distancing, masks, screens, staggered arrival/departure times, one way system, ventilation) to protect all meeting attendees including the public
- Cost implications (equipment, impact on other bookings, additional cleaning, additional set up/clear away time)

- 3.8 At present there is no provision in law to restrict or limit attendance by the public at meetings and this may present significant issues as any venue will have a finite capacity, once Covid secure mitigation measures are in place. Consideration may need to be given to the remote attendance of members of the public at in-person meetings.

- 3.9 Government has issued guidance for the safe use of council buildings, which includes some detail on meetings:
<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings>

- 3.10 Government has also issued guidance on the safe use of multi-purpose community facilities. Due to the small size and limited capacity of meeting rooms at the White House, it is highly likely that any in-person meetings would have to take place in such a community facility.
<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-multi-purpose-community-facilities/covid-19-guidance-for-the-safe-use-of-multi-purpose-community-facilities>

- 3.11 It is possible that Government guidance may change as it follows the steps set out in its “road map out of lockdown”. Indicative dates for changes at Step 3 (not before 17 May 2021) and Step 4 (not before 21 June 2021) will be dependent upon scientific data relating to the pandemic and may be subject to alteration. Therefore, at the present time there is no certainty as to when restrictions may be lifted and what recommended measures will be in place from Step 4.

- 3.12 Any Government measures recommended from 21 June 2021 will not be known until much closer to the time and may impact on not only face to face meetings but also home/office working arrangements for staff (and therefore, arrangements for the re-opening of the White House to the public).

DECISION MAKING

- 3.13 The purpose of Council meetings is to take democratic decisions by the show of hands of those present and voting.
- 3.14 In the event that a lawful meeting cannot be held for such decisions to be made, the Council must consider alternative lawful arrangements.
- 3.15 The Local Government Act 1972 s101(1) sets out that a local authority may arrange for the discharge of any of their functions –
- (a) By a committee, a sub-committee or an officer of the authority; or
 - (b) By any other local authority.
- 3.16 The arrangements resolved by Council on 20 March 2020 at the start of the pandemic restrictions continue to provide a mechanism for decision making whilst meetings cannot take place:

Minute reference 89:

RESOLVED to endorse the following proposed emergency delegation to the Town Clerk (or a senior Officer in the absence of the Town Clerk):

That with the exception of:

a) matters which the law states cannot be delegated and are reserved for full Council, and b) any employment matters requiring the involvement of a Committee:

Any decision requiring Committee or full Council approval, where it is not possible to convene a lawful meeting, is hereby delegated to the Town Clerk in consultation with a number of Councillors equal to the quorum for a meeting of the body concerned. This includes approval of any expenditure outside existing delegations.

Where practicable, the Councillors to be consulted shall include the Chair and Vice Chair of the body concerned. The Councillors consulted must not all be members of the same Group.

In the event that any Chairs or Vice Chairs are incapacitated during the operational period, then they should nominate a substitute for the period they are incapacitated and notify the Town Clerk accordingly.

The above emergency delegation authority to come into effect immediately following the Council meeting held on 20 March 2020 and to remain in effect until rescinded at a subsequent meeting of the Council.

- 3.17 To ensure elected Members have all the information they require in order to put forward their views and to reflect the views of the electorate, it is proposed that informal “meetings” could continue to take place remotely, to allow for informal discussion, where deemed necessary in order to provide feedback on requested decisions.

- 3.18 Decisions would then be made by the Clerk based on email responses by elected Members. As happened in 2020, all such decisions will be formally reported back to the appropriate committees/Council at such time as formal meetings can resume.
- 3.19 There are exceptions to LGA s101(1) which do not allow Council to delegate decisions relating to some statutory functions. These include for example: the setting of a precept, the approval of year end accounts, the selling of land, the borrowing of money or the revision of its Code of Conduct.
- 3.20 Unless changes in law allow otherwise, any such statutory functions will necessitate the holding of a Council meeting. At the present time, it is anticipated that a Council meeting will be necessary on 28 June 2021 for the approval of the Annual Governance and Accountability Return, although it is possible that Government may extend the deadline for 2021 as it did in 2020.

ATTENDANCE/SIX MONTH RULE

- 3.21 Councillors are asked to note that there is no provision relating to the pandemic which allows for any exception or extension to the six-month rule in terms of meeting attendance.
- 3.22 Attendance at the Annual Meeting on 4 May will then set a period of six months for attendance at a further meeting to avoid disqualification.
- 3.23 Any request for a leave of absence (e.g. for health related reasons) would need to be approved by Council before the end of the six month period.

4. CONCLUSIONS

- 4.1 The latest Government guidance requires that serious consideration be given to the health and safety requirements of holding in-person meetings, bearing in mind the many factors and balancing the need to make essential decisions in a democratic manner whilst minimising any unnecessary risks to councillors, employees and members of the public.
- 4.2 The council is now required by law to hold its Annual Meeting during May 2021 and it is strongly recommended to hold this remotely before 6 May 2021 to minimise risks associated with Covid-19.
- 4.3 For the period from 7 May 2021 until such time as lawful meetings can take place in one format or another, the Council has assurance that operational impact can be minimised as the resolution made on 20 March 2020 remains valid and permits lawful decision making by the Council's Proper Officer, in consultation with elected Members.

End.