

Hampstead Norreys Parish Council

Wilkins Centre, Burrell Road, Compton, Newbury, RG20 6NP
clerk@hampsteadnorreysparishcouncil.org
<http://www.hampsteadnorreysparishcouncil.org/>

PARISH COUNCIL MEETING

To: All Members of Hampstead Norreys Parish Council

All Councillors are hereby summoned to attend the following meeting.

NOTICE OF MEETING

MEETING: Full Council
DATE & TIME: Thursday 29th April 2021 at 7.30pm
PLACE: Online via Zoom - Meeting ID: 817 5575 9866, Passcode: 713280, [Meeting Link](#)

The Annual Parish Meeting will follow on from this meeting at 7:40pm.

Please note, due to the current Covid-19 situation and as permitted by the Local Authorities (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392, this meeting will be conducted online using Zoom.

S. Marshman

Dr. S. Marshman, CILCA, Clerk to the Council

23rd April 2021

AGENDA

1. To receive apologies for absence from Members of the Council
2. To receive any declarations of pecuniary interests by members or the Clerk and to consider any requests for dispensation
3. To receive questions or comments from members of the public or representations from any member who has declared a pecuniary interest
4. To approve the [minutes of the Parish Council Meeting held on 25th March 2021](#)
5. Matters arising from the [minutes of the Parish Council Meeting held on 25th March 2021](#)
6. To review the report on the possible return of face-to-face meetings and
 - i. To consider which option the Council wishes to take, and
 - ii. If required, to consider adopting the scheme of delegation
7. To consider adding the cost of collection for the new waste bin on Eling Way

Date and time of next scheduled meeting:

Parish Council Meeting: Thursday 27th May 7:30pm

Supporting Documents

Agenda Item 6: To review the report on the possible return of face-to-face meetings

Preparing for the Return of Face-to-Face Meetings

Summary

The regulations that currently allow local authorities to hold meetings remotely until 6th May 2021 will not be extended by the Government, and so face-to-face meetings will need to resume from 7th May. The Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council have lodged a legal challenge in the High Court that seeks a continuation of local authority remote meetings beyond 6th May 2021. The date for this challenge to be heard in the courts has been set as 21st April 2021.

There is also still much uncertainty around how legislation or COVID-19 risks and restrictions may change over the coming weeks and months.

NALC's position remains that all local councils should continue to meet remotely while the regulations are in force. The guidance in Annex 1 has been written to help local councils prepare for remote council meetings being unlawful from 7th May 2021.

Options

The Council has several options available to it:

Option 1 - Continue to meet virtually.

Although, technically not permitted, this route is being suggested by some other Councils. Although the risk of legal challenge is low, decisions could be challenged in the courts as ultra-vires.

The 1960 Admission to Meetings Act and the Local Government Act 1972 are understandably silent on the matter of online meetings. In the most recent correspondence from Government they have advised that public attendance at Council meetings should continue to happen online for the time being where possible. In other words, online openness to the public is neither prohibited nor enabled by the 1960 or 1972 Acts.

There is existing case law that says that "a valid meeting normally consist of people who can both see and hear each other" (Byng v London Life Association (1989) 1 All ER 560) and back in March 2012 the government acknowledged this in their advice to charities about attendance at meetings.

<https://www.gov.uk/government/publications/charities-and-meetings-cc48/charities-and-meetings#the-definition-and-forms-of-a-meeting>

Option 2 - Temporary Scheme of Delegation to the Clerk.

This would be backed up by the meetings plan as usual. This would mean that Committee and Full Council meetings could go ahead virtually and instead of making decisions, would recommend decisions to the Parish Clerk, who would then enact those recommendations under the temporary delegation (draft Scheme of Delegation in Appendix 2.) The scheme would remain in place until Councillors decided that a return to face-to-face meetings was safe, or that the delegation should cease for any other reason.

A meeting would need to be held on 5th May 2021 for the only two items for the meeting planned for 10th May 2021 that cannot be delegated to the Clerk – the election of Chair and the election of Vice-Chair.

The only other item that is in the forward plan that cannot be delegated to the Clerk is the signing off of the Annual Governance and Audit statements. This needs to be done by 30th June and we will need to think of a route for this. Possibly a single item meeting with a pre-agreed quorate in attendance, or an outdoor meeting if a larger venue is not available or is too expensive.

Option 3 - Hold face-to-face meetings

This would be in line with the advice from NALC, as detailed in Appendix 1.

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 includes an exception (exception 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." Members/officers attending a meeting would fall under this. Additionally, in the letter dated 25 March 2021, from Luke Hall MP recommendations are given on how to hold safe Council meetings, which infers that it would be legal to hold them.

However, provision should be made to enable to public to view the meeting on Facebook and currently the Council does not have the technology in place to allow this to happen to a high enough quality.

The holding of face-to-face meetings could pose a reputational risk to the Council if public perception is that these should not be held until restrictions are lifted.

The Council will also need to take into account the fears and concerns of both Councillors and Officers over returning to face-to-face meetings whilst restrictions are still in place. Particularly those who are unvaccinated, have been shielding, or have other health concerns.

Option 4 – Cancel meetings until restrictions are lifted or online meetings are legislated for

The Council is required to meet four times in the year and councillors are required to attend a meeting or act in their capacity as a councillor at least once in every six months.

The Council may resolve to suspend meeting until such time as all covid restrictions are lifted or until virtual meetings are legislated for.

Recommendation

That the Council resolves Option 2 for continuation of council meetings and business.

Appendix 1 – NALC Advice

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 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.

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.
- 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.

Appendix 2 – Temporary Scheme of Delegation

Temporary Scheme of Delegation

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.
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.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
4. In an emergency the Proper Officer is empowered to carry out any function of the Council

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.

Delegation to The Proper Officer

6. 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 recommend to them by the relevant Committee or Full Council
7. This empowerment does not affect the delegations already in place via Standing Orders or Financial regulations.
8. The Proper Officer may not take additional decisions that would normally be taken by a Committee or Full Council unless that Committee or Full Council has met in a meeting suitably convened under the requirements of the Local Government Act 1972, and made available to the public to view (where not covered by confidentiality) and expressly agreed for that decision to be enacted via this temporary delegation.

Full Council Matters

9. The following items are reserved for Full 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 30th June each year
 - To set the Precept
 - To appoint the Head of Paid Service (Parish Clerk)
 - To make byelaws
 - To borrow money
 - To consider any matter required by law to be considered by Council