

Report No. 11

REPORT TO THE ANNUAL MEETING OF THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA, TO BE HELD ON 04th MAY, 2021

FUTURE MEETINGS & DELEGATIONS

1. Purpose of the Report

- 1.1 To consider future meeting arrangements and delegations to the Town Clerk.

2. Introduction / overview

- 2.1 In recent months the Town Council's meetings have all been undertaken remotely using the Zoom platform. This has been in the context of the Covid 19 pandemic and specifically the arrangements for local authorities to meet remotely or in hybrid format, as set out in *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* under powers granted by Section 78 of the Coronavirus Act 2020. These regulations came into force on 4 April 2020 and apply to meetings taking place before 7 May 2021.

3. Local Authority Meetings from 7th May 2021

- 3.1 Confirmation has now been published that the regulations that expressly permit remote meetings will not be extended at the current time.

Although there is ongoing debate regarding the future of remote meetings and the legal position may yet be clarified further following a recent hearing in the High Court, given the current circumstances, it is anticipated that meetings of the Town Council and its formally constituted committees may need to meet face to face from 7th May onwards.

3.2 Annual Meeting of the Town Council

As previously considered, the Annual Meeting of the Town Council will take place on Tuesday 4th May and thus can be held remotely. Therefore meetings that will need to be held face to face from 7th May onwards include:

13th May - Planning Committee

9th June – Planning Committee

10th June – Council

14th June – Cultural and Community Committee

17th June – Policy & Resources Committee

However, should the legal position be clarified further in the coming days / weeks and remote meetings continue to be possible, it is proposed that the Town Council and its Committees would continue to meet remotely in the immediate future to minimise further any Covid related risks. This would be kept under regular review.

3.3 Covid secure meetings.

All face to face meetings will need to be held in accordance with relevant Covid requirements. The updated guidance is currently being reviewed and the necessary risk assessments and associated arrangements will be put in place and communicated in due course. Room bookings have been made with WDC for the meetings listed and the Town Clerk is liaising with WDC regarding appropriate measures / protocols.

4. **Implications**

There are a number of implications of the shift back to face to face meetings.

4.1 Postponing / cancellation of meetings – meetings in May (after 6th) / June could theoretically be cancelled / postponed until after Covid restrictions are expected to fully end, but there are a number of key things that need to be considered, including:

Planning committee – responses to planning consultations.

Council – approval of accounts and Annual Governance and Accountability Return.

Cultural & Community Committee – decisions ref Community Grant Applications

Policy & Resources Committee – payment approvals and possibly other items.

4.2 **Delegation to Town Clerk** – The Town Council could be asked to delegate certain functions to the Town Clerk

In the event that suitable arrangements for holding Covid Secure meetings of the Town Council's and/or its committees are not achievable, or for instance if a significant number of Town Councillors / staff were required to self-isolate, it seems sensible to make provision for key activities to continue through delegated authority to the Town Clerk.

This would enable key activities and the basic functions of the Town Council to continue and is in accordance with guidance received from WALC

For example, the following:

- 4.2.1 Responses to planning consultations - The authorisation to respond to WDC Planning Consultations could be delegated to the Town Clerk for an interim period. Members of the planning committee could meet informally via Zoom (this wouldn't technically be a meeting of the Planning Committee as it would not be allowed to meet remotely.) The Town Clerk (or officers on his behalf) could then submit formal planning consultation responses to WDC, based on the majority view of the informal meeting of members of the planning committee.
- 4.2.2 Awarding of Community Grants – The authorisation to award community grants could be delegated to the Town Clerk for an interim period. This would allow members of Cultural & Community Committee to meet informally via Zoom (again this wouldn't technically be a meeting of the Cultural & Community Committee as it would not

officially be allowed to meet remotely). The Town Clerk could then award the grants to relevant applicants, based on the deliberations and awards suggested by the informal meeting of the members of Cultural & Community Committee.

The issue of delegating authority to the Town Clerk was discussed at a meeting of the Town Council's Policy & Resources committee on 26th April 2021 and the committee was supportive of delegation being considered by the Town Council on 4th May 2021.

A specific proposal for delegated authority is included at appendix A.

- 4.3 Meeting rooms – if meetings go ahead face to face, whilst social distancing measures are required, it may be that different rooms will be required for certain meetings than has previously been the case.

Meetings of the Town Council should be able to take place in the Council chamber at the Town Hall which is large enough to accommodate a meeting of the full Council. Necessary arrangements will need to be put in place to manage public attendance.

However the Council's committees are unlikely to be able to use the meeting room in the Town Council's ground floor offices at the Town Hall, as this is unlikely to be large enough to enable the necessary social distancing measures.

- 4.4 Covid secure protocols – if face to face meetings go ahead, risk assessments will be undertaken and the necessary measures will be put in place. These will be communicated to staff and Councillors to ensure that everyone is clear about what protocols need to be adhered to.
- 4.5 Budgetary implications – as the Town Council may have to hire some additional rooms rather than make use of its own meeting rooms, there is likely to be a higher than anticipated cost associated with this. To some degree this is unavoidable but it will hopefully apply to a relatively small number of meetings that are held while social distancing measures are still required. The situation will be monitored and reported to future meetings of the Policy & Resources committee.
- 4.6 Inevitably participants will have different perspectives on the return to face to face meetings. These will all need to be considered and addressed as far as reasonable.
- 4.7 Longer term arrangements - according to the government's roadmap out of lockdown, it is anticipated that all requirements for social distancing will cease on 21st June. This would theoretically allow the Council to revert back to its normal practices regarding meetings, which means that meetings of the Full Town Council would be held in the Council Chamber and meetings of other committees in the Town Council's meeting room.

Of course, this situation will be monitored and suitable arrangements put in place at the appropriate time.

5. **Recommendations:**

i) That the Town Council notes the current situation regarding meetings / remote meetings.

ii) That the Town Council agrees the delegated authorities to the Town Clerk as identified in Appendix A, to ensure that key functions can continue in the event of disruption to the Council's meetings in the coming weeks / months.

iii) That the delegation be reviewed by the Town Council at its meeting on 16th September or the soonest practical point thereafter.

Report No. 11 Appendix A - Proposed delegation of Authority to Town Clerk
04th May 2021

The following delegations / authorisations are intended to enable the Town Clerk to deal with matters where it is not possible or practicable for them to be dealt with through the Town Council and its Committees' usual processes, for example where the Town Council's usual activities are disrupted by the current pandemic situation. In this way key functions and decisions can continue where appropriate and disruption minimised.

The matters proposed to be delegated to the Town Clerk are listed in paragraphs 1-4. These are in addition to any existing authorisations / delegations conferred on the Town Clerk and identified in the Town Councils Standing Orders or Financial Standing Orders.

As far as is practicable, the Town Clerk will seek the views of the relevant Councillors or committee, at least seeking to consult the chair / vice chair of the Council and / or relevant committee before acting.

Should decisions need to be made / actions taken based on this delegation they will subsequently be reported as soon as is practicable to a meeting of the Town Council or the relevant committee.

1. Planning and related matters:

1.1 Authorisation to respond to planning consultations where it is not possible or practicable to hold a Planning Committee meeting before the required deadline for response. The Town Clerk (or officer acting on Town Clerk's behalf) shall consult the Planning Committee members as far as possible and submit a response informed by their views. In practice this may be via a remote / virtual meeting or discussion, via email or any other reasonable means.

1.2 Authorisation to deal with any other matters within the agreed remit of the Town Council's planning committee, again after having taken reasonable efforts to seek the views of committee members.

2. Payments / Finances:

2.1 To incur expenditure which is within the agreed budget lines for the financial year, up to £5,000.

2.2 To approve payment of invoices for expenditure properly incurred and within agreed budgets for the financial year, following consultation with the Chair of the Council or the chair of Policy & Resources Committee.

2.3 To make payments by electronic means, subject to approval by two of the Council's four approved signatories. Approval may be sought via email confirmation where necessary.

2.4 To award grant payments to Community Groups within the agreed limits of the Town Council's grants programme, where applications have been properly received and where Cultural & Community Committee has been unable to formally meet to agree the awards. The views of the Cultural & Community Committee members

would be sought and awards would be based on the committee members recommendations where these can be obtained (e.g. via remote discussions).

3. Urgent matters:

3.1 In the event of any matter arising which requires an urgent decision and in circumstances where the Urgent Matters Committee is not able to formally meet, the Town Clerk shall forthwith seek to consult with the Urgent Matters Committee and if not possible the Mayor and/or Deputy Mayor before acting on behalf of the Council

3.2 Before the Town Clerk exercises the delegated powers granted by the above paragraph, those Members consulted shall consider whether the matter justifies summoning a Special Meeting of the Council or appropriate Committee.

3.3 Whenever any action is taken in this way, full details of the circumstances justifying urgent action shall be submitted in writing to the next available meeting of the Committee concerned and/or Council.

4. Implementation:

4.1 Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function. This shall not prevent the Town Clerk from exercising the same power or duty at the same time.