

ADDERBURY PARISH COUNCIL

Date of Parish Council Meeting	Tuesday 27 April 2021
Agenda Item Number	<i>Item 10 (iv)</i>
Author	Theresa Goss
Title of Report	Parish Council Meetings Post 7 May 2021
Summary	<p>On 7 May 2021, the emergency legislation expires, which the Government put in place to allow Parish Councils to meet virtually. Therefore Parish Councils can no longer lawfully make decisions in a virtual meeting, such as Zoom, the requirement is that all decisions should be taken in physical public meetings.</p> <p>Previously expressed views from Councillors were that they are not comfortable with physical meetings until Government restrictions have been relaxed a lot more. Therefore I have been looking into the options.</p> <p>There are three alternative options to meeting physically, which all need to be considered before making a decision and these are described below.</p>
Recommendation	<p><i>'In response to the Covid-19 situation, Adderbury Parish Council believes it is not safe to hold a physical Parish Council meeting.</i></p> <p><i>The Parish Council agrees to grant the Clerk and Responsible Financial Officer, delegated authority to make decisions on behalf of the Parish Council, where such decision cannot reasonably be deferred and must be made in order to comply with a commercial or statutory deadline.</i></p> <p><i>The delegation does not extend to matters expressly reserved to the Parish Council in legislation or in its Standing Orders or Financial Regulations.</i></p> <p><i>Any decisions made under this delegation must be recorded in writing and must be published in accordance with the relevant regulations.</i></p> <p><i>This delegated authority ceases upon the first physical meeting of the Parish Council, or upon changes to Government legislation, whichever is the soonest'.</i></p>
Reasons for the Recommendation	Given this is a chaotic picture and is also unprecedented, approval of the recommendation will ensure the smooth running of the Parish Council, until further guidance is available.
Impact on Budget	None
Risks	Stated below

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Background	<p>Option A</p> <p>The Oxfordshire Association of Local Councils (OALC) has proposed the following wording for Parish Councils to adopt</p> <p><i>'In response to the Covid-19 situation, Adderbury Parish Council believes it is not safe to hold a physical Parish Council meeting.</i></p> <p><i>The Parish Council agrees to grant the Clerk and Responsible Financial Officer, delegated authority to make decisions on behalf of the Parish Council, where such decision cannot reasonably be deferred and must be made in order to comply with a commercial or statutory deadline.</i></p> <p><i>The delegation does not extend to matters expressly reserved to the Parish Council in legislation or in its Standing Orders or Financial Regulations.</i></p> <p><i>Any decisions made under this delegation must be recorded in writing and must be published in accordance with the relevant regulations.</i></p> <p><i>This delegated authority ceases upon the first physical meeting of the Parish Council, or upon changes to Government legislation, whichever is the soonest'.</i></p> <p>This delegation of authority would mean that the Parish Council would be giving decision-making authority to the Clerk. These decisions would then be legal. The possible implications are:</p> <ul style="list-style-type: none">• Meetings could continue on Zoom which Councillors are invited to attend; it would not be a summons as it is with official Parish Council meetings• At such meetings, Councillors would discuss matters just as they do now, but any resultant 'decisions' would actually be recommendations to the Clerk as to what decision Councillors would like her to take. Any such decision would be made by the Clerk, who may or may not choose to follow the Councillors recommendations• The risk is that the Clerk with this delegated authority, could make all sorts of decisions that the Parish Council does not endorse. However this would not be happen and in effect, the Parish Council would continue to run as it does now. It is unlikely anyone will notice the difference• The last sentence of the recommendation ensures that as soon as the first 'proper' PC meeting is held (ie in person) this delegated power is immediately terminated and everything goes back to normal <p>The only items which the Standing Orders and Financial Regulations specifically state cannot be delegated are laid out in 1.13 of the Financial Regulations, covering items such as the budget, determining the precept,</p>
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borrowing or writing off bad debts etc.

This is the Clerk's preferred option to ensure the smooth running of the Parish Council and that decisions can still be taken in a timely and lawful fashion.

Option B

The Parish Council could decide to continue to operate with virtual Parish Council meetings just as we have been doing for the last year, without any delegated authority to the Clerk.

This means that technically any decisions taken, will not be legal. While it could be argued that the Parish Council had little choice since the legislation has lapsed but the Government restrictions are still in place, it would not change this basic fact. The implications are:

- If someone disputes a decision, they will be in a strong position since the decision would not be legal
- It might be possible that someone could decide to accuse the Parish Council of illegal operations and therefore potential misuse of public funds
- Some Councillors may not be comfortable with taking decisions in a manner that is not legal, particularly given some of those decisions may be making use of public funds
- The Clerk does not endorse this option and could not support a decision to operate unlawfully

Option C

The Parish Council could simply cancel all Parish Council meetings until the restrictions are eased.

The Clerk has the delegated authority in place already for emergency use of funds to pay for invoices which cannot wait until the next PC meeting, but this would not be sufficient to cover a number of the Parish Council costs.

While this approach could work for the cancellation of the odd PC meeting, there is no indication yet of when Councillors will feel comfortable with face-to-face PC meetings and as such, this could become a very unwieldy approach quite quickly.

The Clerk does not support this approach as Parish Council work would effectively stop for an indefinite periods, which is impractical for a busy Parish Council such as Adderbury.