

EARLEY TOWN COUNCIL

Annual Meeting of Earley Town Council - Tuesday, 4th May 2021

Agenda item 7

Town Clerk's Report on Delegation of Powers

Town Councils and Virtual Meetings

BACKGROUND

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, parish and town councils have been permitted to hold meetings virtually, for example via Zoom. This legislation expires as of 7th May 2021, the Government has declined to extend it. A legal challenge to the decision not to extend the powers to hold meetings virtually for parish and town councils (and principal authorities) was heard in court on 21st April 2021 but, at the time of this agenda being published, the verdict is yet to be delivered.

Should the courts decide that the powers should not be continued, then Earley Town Council will have difficulty in holding meetings of standing committees and full council whilst also adhering to social distancing rules, health and safety legislation and employer legislation. It will take time to establish a way of either holding these physical meetings safely or being able to conduct the business of a Council and make decisions in some other way. For example, should Council decide that council or committee meetings will take place in a community centre then consideration will need to be given to the cancellation of regular hirers' bookings.

PROPOSAL

The Town Clerk recommends that the delegated powers, similar to those agreed at the start of the pandemic and regularly reviewed by Council, be extended to ensure continuity of the business of the Council. Use of delegated powers will remain the exception rather than the rule and their use will be reported to Council.

The Town Clerk also recommends that the delegated powers in respect of the Planning Committee be reinstated. These powers to be used only as a last resort should the restrictions on parish and town council meetings be such that Earley Town Council are not in a position to hold meetings of the Planning Committee that are both legally compliant and safe.

SCHEME OF DELEGATION TO BE ADOPTED BY THE COUNCIL:

1. There shall be delegated to the Town Clerk the authority to act in respect of any function of the Council on a matter *which in their opinion does not admit of delay*. This delegated authority shall be exercised in consultation with the Town Mayor and/or the Leader of the Council.
2. That decisions made under this power shall be reported to Council as soon as is practicable.

3. That, should the Town Clerk be indisposed, the delegated power to sit with the Deputy Town Clerk in consultation with the Town Mayor and/or the Leader of the Council.
4. That, in respect of the Planning Committee, should the Committee be unable to meet in person for reasons of public health or safety issues, the power to decide upon and submit the Town Council's comments shall be delegated to the Deputy Town Clerk in consultation with the Chairman and/or Vice Chairman of the Planning Committee.

The Deputy Town Clerk's report on Delegated Powers will be an agenda item at the Planning Committee meeting on 4th May 2021.

4.1 The Planning Advisor shall submit his reports via email. Members of the Planning Committee shall communicate via email regarding their views on the Planning Advisor's recommendations.

5. That, should the Deputy Town Clerk be indisposed, the delegated power to sit with the Town Clerk in consultation with the Chairman and/or Vice Chairman of the Planning Committee.

Financial duties:

6. There shall be delegated to the Town Clerk the authority to act in respect of any financial function of the Council on a matter *which in their opinion does not admit of delay*. This delegated authority shall be exercised in consultation with the Town Mayor and/or the Leader of the Council.
7. That, should wet signatures be required, arrangements will be made for the documentation to be made available for signatories in a room at the council offices. Officers and signatories will observe the social distancing recommendations.

Jo Friend
Town Clerk