

Report to: Council

Report Ref: C1931
Meeting Date: 23rd March 2020
Agenda Item: 3
Prepared By: Town Clerk



Subject: Temporary Delegation of Authority

1.0 BACKGROUND

The government has issued guidance in the wake of the COVID-19 pandemic that all citizens should be taking measures to reduce social interaction to reduce the transmission of the coronavirus. In particular the Government advises social distancing measures be stringently applied for those over 70 and those under 70 with underlying health conditions.

The government has advised against all but essential meetings and it is widely considered inadvisable for council meetings to proceed under this advice. Cheshire East Council is cancelling its meetings and town and parish councils across the country are doing likewise. The length of time that the restrictions on meetings will be effect is not currently known.

At present there is no lawful option for the council meet other than physically with those present in the room contributing to a quorum and being able to vote. The government has stated it “will consider” introducing measures to allow the annual meeting and committee meetings to take place virtually, at the time of writing, these measures have not been announced.

Lawful decisions can only be made by Full Council or in accordance with section 101 of the Local Government Act 1972, which allows for the majority of functions to be delegated to a committee, sub-committee or officer. It is not lawful for councillors to exercise a function on behalf the council outside a lawfully duly convened council, committee or sub-committee meeting.

To facilitate the lawful and efficient operation and continuation of council function during this period, it is recommended that council approves a temporary delegation of authority to the Town Clerk. This will lawfully give him the power to make decisions which would otherwise be taken by council or committee.

2.0 RECOMMENDATION

It is recommended that Council considers passing a motion as follows:

That until either

- a) The government advises that meetings can resume
- b) Legislation allows for meetings to take place virtually and a suitable system is in place to allow all members to participate



the Town Clerk (or in his absence the Town Centre and Marketing Officer) be authorised to exercise any function that would normally be exercised by Full Council or a committee excepting any which statute prescribes may only be exercised by Full Council.

That this authority be subject to the following conditions:

- a) No decision shall be made which would constitute a permanent change in established policy
- b) No decision shall be taken prior to the Town Clerk having sought counsel from the Town Mayor and the relevant committee's Chairman and/or Deputy Chairman
- c) Should the Town Clerk or the Town Mayor or the relevant committee Chairman or Deputy Chairman consider it appropriate, the Town Clerk shall prepare a report on a proposed decision and circulate it to all members of a committee or the council by email and no decision shall be taken prior to all members having indicated their view or one calendar week having passed
- d) A record of all decisions made under this authority shall be kept and reported to all members by email weekly and to the first relevant meeting
- e) Where authority is already delegated through Standing Orders, Financial Regulations, existing policy or previous resolution, any conditions attached thereto shall continue to have effect.

3.0 CONNECTED MATTERS

The council is required by law to hold an annual meeting in May each year,¹ as stated the government is considering introducing provision for this to take place by other means and the Town Clerk will inform members of any development.

The council is also required to approve the Annual Governance and Accounting Review by 29th June, this approval must take place at a Full Council meeting. The National Association of Local Councils is raising this issue with government.

¹ Local Government Act 1972 Schedule 12 7(2)



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