

Report to: Council

Report Ref: C1932
Meeting Date: 4th May
Agenda Item: 12
Prepared By: Town Clerk



Subject: Meeting arrangements, appointments and Casual Vacancies

1.0 INTRODUCTION

1.1 BACKGROUND

The restrictions implemented to tackle the spread of the coronavirus have meant that it is not possible for the council to hold physical meetings. At the meeting held on 17th March the council provided temporary delegation of powers to the Town Clerk to facilitate the operation of the council during this period. This delegation ended when the council was able to implement virtual meetings and the council has to date held three committee meetings virtually using Zoom.

Arrangements have been put in place for the holding of council meetings and this report seeks the formal endorsement of the council for these arrangements. This report also sets out a proposed extension of the 2019/20 civic year and outlines arrangements for the filling of the casual vacancy created by the resignation of Cllr Katherine Fletcher.

1.2 LEGISLATIVE BACKGROUND

The Coronavirus Act 2020 gave the Secretary of State the power to make regulations with respect arrangements for council meetings during the period of the coronavirus social distancing restrictions. Regulations¹ were made in April 2020 which allow councils to hold meetings virtually until May 2021. The Regulations provide that the council must continue to provide the facility for members of the public to observe and participate in meetings.

The regulations also remove the requirement for the council to hold an annual meeting in May 2020 and provide that any appointments which be made at an annual meeting may be made at anytime the council choses or the next annual meeting. These regulations are in force until May 2021 (or until rescinded by the Secretary of State) at which point the requirements under the Local Government Act 1972 to hold an annual meeting and to elect a Chairman (Town Mayor)

¹ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020



Further regulations² made in April stipulate that any election due to be held prior to May 2021 shall instead be held on Thursday 6th May 2021. This applies to any by-elections which may be demanded to fill casual vacancies on the Town Council.

2.0 ARRANGEMENTS FOR VIRTUAL MEETINGS

Following the regulations coming into force on Saturday 4th April, the council held its first virtual meeting on Monday 20th April. Following discussion with the IT working group it was agreed that Zoom was the most practical software to utilise for online meetings. With one exception, all members had the facility to join meetings and be both seen and heard. The Town Clerk has provided one member with a suitable device³ to enable them to participate.

Meetings are operated as Zoom webinars. This allows members to join the meeting in advance of it being publicly broadcast and prevents any third party from interrupting proceedings. Committee members receive an email invitation to join the meeting as a panellist and non-committee members may request an invitation from the Town Clerk or otherwise join as an attendee and be 'promoted' to a panellist.

With the exception of the meeting chairman, all members are muted throughout the meeting and unmuted when they are called upon to speak. Voting takes place in the traditional way by show of hands.

The public can join a meeting via Zoom as an attendee or watch live on Facebook. Members of the public wishing to participate in the meeting must use Zoom where there is the facility for them to raise a hand and be invited to speak where they can be heard but not seen. The live recording of meetings remains viewable on Facebook; viewing figures for the three meetings held to date have ranged between 314 and 384.

The council can also invite attendees to participate in a meeting and be both seen and heard. This would be utilised when a speaker is invited to join or address a meeting.

3.0 APPOINTMENT OF TOWN MAYOR AND COMMITTEES

3.1 INTRODUCTION

The regulations permit the council to determine whether to hold an annual council meeting in 2020 and to make any appointments required to be made (e.g. the appointment of Town Mayor) at the time of its choosing. It is recognised that the role of Town Mayor has been severely impacted by the coronavirus restrictions which have resulted in the cancellation of fundraising events and the cancellation of civic engagements. It is also recognised that the investiture of the Town Mayor at the Mayor Making ceremony is an important part of the civic year and the dignity of the office.

² The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

³ The council had a low spec laptop purchased in 2013 for member use which is sufficient for Zoom meetings.



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Following discussions with the Town Mayor and Deputy Town Mayor it is proposed that Cllr Malloy continue to serve as Town Mayor until November and that Cllr Gardiner be appointed as Town Mayor to serve until May 2022; each would serve a term of 18 months. It is intended that this would enable Cllr Malloy to finalise his civic fundraising and hold a civic ball and ensure that Cllr Gardiner receives an appropriate investiture and as ordinary as possible term as Town Mayor.

3.2 SUGGESTED ARRANGEMENTS

It is therefore suggested that council does not hold an annual meeting in May 2020 and the 2019/20 civic year be extended to November 2020 when, after Remembrance Sunday, and subject to the restrictions having been lifted, the council holds a Mayor Making ceremony, appoints the Town Mayor and makes any changes required to committees. The council would be required to hold an annual meeting in May 2021 where the Town Mayor would be reappointed and committees be re-established but this would be held in the format of an ordinary Town Council meeting.

Should the restrictions prohibiting a Mayor Making ceremony to be held still be in force in November, an alternative proposal would be brought to Council.

3.3 MAYOR'S ALLOWANCE

The Mayor's Allowance set for the 2020/21 civic year is £625. The allowance is normally awarded at Mayor Making to the Town Mayor to cover incidental costs during their year in office.

Should council approve the arrangements outlined in 3.2 it should determine how to apportion the allowance between Cllrs Malloy and Gardiner who would each serve half the scheduled 2020/21 civic year.

4.0 FILLING OF CASUAL VACANCIES

Cllr Katherine Fletcher resigned from the Town Council on 15th April creating a casual vacancy for Nether Ward. The Town Clerk has spoken with officers from the Elections Department at Cheshire East Council who have stated that they are awaiting guidance from the Cabinet Office with respect the posting of the notice of vacancy.

Ordinarily the Town Clerk would post public notice of the vacancy triggering a period where the electors of the ward can write to Cheshire East Council to demand a by-election for the seat. On the advice of Cheshire East Council this notice has not yet been posted and as such the period has not commenced. When the notice is posted, should 10 electors demand a by-election it would be held in May 2021. If fewer than 10 electors demand a by-election the council would be able to co-opt a councillor to fill the vacancy and could do so virtually.

The National Association of Local Councils has issued the following guidance with respect casual vacancies; this has been brought to the attention of Cheshire East Council:

If a casual vacancy occurs between now and 5 May 2021 the local council should still notify the vacancy. If a poll is called for by 10 or more parishioners then the poll will be held on 6



May 2021 along with other elections - Regulation 6 (1). If a poll is not called for, it is NALC's view that the local council can co-opt a replacement councillor.

5.0 DECISIONS REQUIRED

- 5.1 Council should provide feedback on the arrangements for virtual council meetings and consider whether any changes are required.
- 5.2 Council should consider the approval of the arrangements for the holding of Mayor Making/Annual Council meetings and appointment of committees to May 2022 as set out in 3.2
- 5.3 Council should consider the apportionment of the Mayor's Allowance 2020/21
- 5.4 Council should note the process for filling the casual vacancy



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