

Preparing for the possible return to face-to-face meetings

Note from the Clerk as at 28 April 2021

Government advise last month that the regulations that currently allow local authorities to hold meetings remotely until 06 May 2021 would not be extended. It was reported last month that the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council have lodged a legal challenge in the High Court that seeks a continuation of local authority remote meetings beyond the 06 May 2021. I understand the judgement was mad late this afternoon and that the challenge was not upheld. I have seen no further details at the time of writing.

NALC had previously circulated the guidance in Annex 1 to help its members prepare should remote council meetings be deemed unlawful from 07 May 2021.

The Council has several options available to it:

1. Continue to meet virtually.
This is technically not permitted, and while the risk of legal challenge is low, decisions could be challenged in the courts as ultra-vires.
2. Hold face-to-face meetings
This will need some thought about how to proceed. The Parish Council Offices are not suitable and the Tillage Hall is not available on Tuesday evenings.

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 includes an exception (exception 3) that a gathering is allowed where it is necessary for certain purposes which include "for work purposes or the provision of voluntary or charitable services." Members/officers attending a meeting would fall under this. Additionally, in the letter dated 25 March 2021, from Luke Hall MP recommendations are given on how to hold safe Council meetings, which infers that it would be legal to hold them, despite the fact that the step 3 guidance to apply from May 17th states that "COVID-Secure guidance will remain in place and businesses may not cater for groups bigger than the legal limits".

This is not without risk. The Council needs to take into account the fears and concerns of both Councillors and Officers over returning to face-to-face meetings whilst restrictions are still in place. While earlier NALC guidance provides some useful pointers (see Annex A) this option needs to be considered carefully with potential solutions all to be risk assessed and documented for their desirability and practicability.

3. Temporary Scheme of Delegation to the Clerk.

With resolution 19/237 in March 2020 Waterbeach PC **AGREED** to extend the delegation of Council decisions to the Clerk during any period of restricted activity declared by the Government or NALC or **where the Parish Council agrees local circumstances make it necessary to protect the public, councillors and staff, in respect of the Covid-19 virus**. Such delegation to enable the Council to carry out its functions. This would be backed up by the meetings plan as usual. This would mean that Committee and Full Council meetings could go ahead virtually and instead of making decisions, would recommend decisions to the Parish Clerk, who would then enact those recommendations under the temporary delegation.

If local circumstances are deemed such that the necessity remains then this provision can be called upon and provides some assurance that the Council can continue to function.

Recommendation

I expect that by the time the Council meets on 4 May there will have been some clarification and guidance provided on the range of options open to Council and the steps to take in deciding what to do for the best. I will provide any such updates that I have by then.

Meanwhile I recommend that to prepare for face to face meetings, whenever that may be, one of the working groups established now is one to explore options, consult with all Cllrs and prepare risk assessments.

Annex A - Extracts from NALC Guidance:

From May 2021, as face-to-face council meetings resume there will still be the risk to attendees of COVID-19 exposure. Councils should conduct a risk assessment in advance of a face to face meeting which should give consideration to what the council can do to reduce risk to councillors, staff and public including:

- Providing hand sanitiser to those entering the meeting room and making sure hand sanitiser is readily available in the room itself
- Staggering arrival and exit times for staff, councillors and members of the public
- Putting a one way system in place (additional security staff will be needed)
- Placing seating at least 2-metres apart
- Ensuring everyone wears face masks
- Holding paperless meetings
- The sharing of papers should be discouraged and people should be asked to take the papers etc with them at the end of the meeting to minimise how many people handle them
- Arranging seating so people are not facing each other directly
- Choosing a venue with good ventilation, including opening windows and doors where possible (not possible in the WTC Council Chamber although the air-con system may be able to be altered to assist.)
- Choosing a large enough venue to allow distancing – this may mean choosing a different venue to what the council used before e.g. Pavilion or sports centre.
- The council (or venue owner/operator) will need to identify the venue's maximum capacity in their risk assessment, taking into account the need for social distancing. Consider how the council will ensure this capacity is not exceeded and how it will manage the situation if more people wish to attend than capacity allows. For example, could meetings be live-streamed or could members of the public submit questions via email?
- If the venue has an NHS QR code to support test and trace then all attendees should register using that app, for those without access to the app they should register attendance in line with the venue's test and trace procedure. NB all venues in hospitality, the tourism and leisure industry, close contact services, community centres and village halls must have a **test and trace procedure**
- Venues must conform with the government guidance for **multi-purpose community facilities** and for **council buildings**. If the venue is run by the council then the council must take responsibility for this, otherwise, the council can ask the venue to provide confirmation that they do conform to this guidance
- The council must understand and ensure it is acting in compliance with the latest government **safer workplaces guidance**

The above demonstrates the complexities of holding a face-to-face meeting to Councillors and is not intended to be discussed in detail at this point.