

Temporary Scheme of Delegation Council 5 May 2021

The regulations that currently allow local authorities to hold meetings remotely until 06 May 2021 will not be extended by the Government, and so face-to-face meetings will need to resume from 07 May. However, social distancing requirements under the Government's current Covid 19 lockdown measures would prevent the Town Council from meeting in public.

The legislation has already been extended in Wales, so Parish and Town Councils there can continue to meet and make decisions virtually.

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. The date for this challenge to be heard in the courts was 21 April with a decision expected by the end of the month.

There is also still much uncertainty around how legislation or COVID-19 risks and restrictions may change over the coming weeks and months.

Temporary Scheme of Delegation

1. Section 101 of the Local Government Act 1972 provides:
 - That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
 - A Committee may delegate its powers to an officer.
2. Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.
3. The Proper Officer may nominate another named Officer to carry out any powers and duties, which have been, delegated to that Officer.
5. In an emergency the Proper Officer is empowered to carry out any function of the Council
6. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Members, and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

Delegation to The Proper Officer

7. As a temporary measure, to allow for effective decision making whilst Covid-19 restrictions and considerations are in place, the Proper Officer may be empowered to take any and all decisions in consultation with the Chairman and Vice Chairman of the relevant Committee or Full Council
8. This empowerment does not affect the delegations already in place via Standing Orders or Financial regulations.

9. Records will be kept demonstrating a clear trail (particularly around decision making in any form).
10. All decisions will be reported at the next available Full Council Meeting.

Full Council matters

11. The following items are reserved for Full Council decision only and cannot be delegated to an Officer.
 - To appoint the Chairman and Vice-Chairman in May each year
 - To sign off the Governance Statement by 30 June each year
 - To set the Precept
 - To appoint the Head of Paid Service (Town Clerk)
 - To make byelaws
 - To borrow money
 - To consider any matter required by law to be considered by Council

Recommendation

- a) That Council approves the temporary delegation to the Proper Officer of the Council, for the period that the Council is unable to meet, due to the cessation of the legislation for virtual meetings and the Government's current lockdown measures.
- b) That this delegation will cease at the next lawful meeting of the Council called in accordance with LGA 1972 Sch12.