

**PRESTON UNDER SCAR PARISH COUNCIL
ANNUAL COUNCIL MEETING – 16 MAY 2023
REPORT OF THE CLERK**

Delegation of powers to the Parish Clerk and Section 85 of the Local Government Act 1972

Councillors are reminded that, in the context of the Covid-19 pandemic, the Council, at its meeting on 13 January 2022, passed the resolution set out in Appendix A to this report.

Councillors are invited to consider the effectiveness of these arrangements since the passing of the resolution and whether there would be any advantages in continuing similar arrangements now that all Covid-19 restrictions had been lifted. Whilst most meetings are likely now to be in-person, the ability to hold informal remote meetings may give the Council greater flexibility with regard to the effective discharge of its business and, given the number of meetings normally held by the Council in a year, potentially prevent a member who is unable to attend an in-person meeting from being disqualified from membership of the Council even though that member is able fully to participate remotely in Council business. Although the arrangements cannot now continue in the context of Covid-19, in order to ensure that any future remote meetings are held in accordance with the normal rules relating to the publication of the agenda and reports for the meeting and public access to the meeting, they would have to comply with the requirements of the statutory Regulations that applied to the calling of remote meetings in 2020/21 even though these are no longer in force.

If Councillors wish to retain the current level of flexibility in relations to meetings, it is recommended that consideration be given to adopting the following arrangements for the period to the end of May 2024:

- 1. That, in order to give the Council flexibility in the discharge of its business and subject to compliance with Paragraphs 7 and 8 of Schedule 12 to the Local Government Act 1972 (which, respectively, require the Council to hold an Annual Meeting and at least three other meetings in every year), all meetings of the Council during the relevant period shall be in-person meetings unless, in relation to any meeting, the Clerk, following consultation with Councillors, decides that the meeting shall be a remote meeting.**
- 2. That all meetings of the Council during the relevant period shall be held on such days, at such times and in such places as the Clerk, following consultation with Councillors shall determine.**
- 3. That, during the relevant period, the following powers be delegated to the Clerk:**
 - (a) To authorise payment of invoices for work undertaken for, and services provided to, the Council, subject to being satisfied that payment is due in accordance with the invoice details;**

- (b) Following consultation with the Chairman, to do anything expedient or necessary in the interests of the Council or to ensure the continuation of the effective or proper business of the Council, subject to any action taken under these powers being reported to the next available meeting of the Council;**
- (c) To take any decision following any recommendation made by the Councillors at a remote meeting of the Council**

Provided that neither of the delegations at (a) and (b) above shall amend, modify or affect the approved signatories required to authorise payment from the Council's bank account.

4. That, for the purposes of Section 85 of the Local Government Act 1972:

- (a) the Council approves, in relation to each and every member of the Council, during the relevant period, attendance at a remote meeting of the Council as a reason for a failure to attend an in-person meeting of the Council;**
- (b) the Clerk be authorised, in relation to any specific member of the Council, to approve a reason for the failure of that member to attend a meeting or meetings of the Council where the failure to attend would not be covered under (a) above.**

5. That, for the purposes of 1 to 4 above:

“Chairman” means the Chairman of the Council;

“Clerk” means the Clerk to the Council.

“Meeting” means an in-person meeting or a remote meeting;

“In-person meeting” means a meeting of the Council, or of any committee or sub-committee of the Council, at which Councillors come together in person in the same place and which is held in accordance with Paragraph 10 of Schedule 12 to the Local Government Act 1972;

“Remote meeting” means an informal meeting of the Council, or of any committee or sub-committee of the Council, where Councillors do not come together in person in the same place and which would have complied with the requirements of the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were those Regulations, which ceased to have effect on 7 May 2021, still in force;

“Relevant period” means the period from the passing of this Resolution until 31 May 2024 unless earlier terminated or amended by the Council.

APPENDIX A

Resolutions adopted by the Council on 13 January 2021

1. That, having regard to the continuing Covid-19 pandemic, subject to compliance with Paragraphs 7 and 8 of Schedule 12 to the Local Government Act 1972 (which, respectively, require the Council to hold an Annual Meeting and at least three other meetings in every year), all meetings of the Council during the relevant period shall be remote meetings unless, in relation to any meeting, the Clerk, following consultation with Councillors, decides that the meeting shall be an in-person meeting.
2. That all meetings of the Council during the relevant period shall be held on such days, at such times and in such places as the Clerk, following consultation with Councillors shall determine.
3. That, during the relevant period, the following powers be delegated to the Clerk:
 - (a) To authorise payment of invoices for work undertaken for, and services provided to, the Council, subject to being satisfied that payment is due in accordance with the invoice details;
 - (b) Following consultation with the Chairman, to do anything expedient or necessary in the interests of the Council or to ensure the continuation of the effective or proper business of the Council, subject to any action taken under these powers being reported to the next available meeting of the Council;
 - (c) To take any decision following any recommendation of the Council made at a remote meeting of the Council;

Provided that neither of the delegations at (a) and (b) above shall amend, modify or affect the approved signatories required to authorise payment from the Council's bank account.

- 4 That, for the purposes of Section 85 of the Local Government Act 1972:
 - (c) the Council approves, in relation to each and every member of the Council, during the relevant period, attendance at a remote meeting of the Council as a reason for a failure to attend an in-person meeting of the Council;
 - (d) the Clerk be authorised, in relation to any specific member of the Council, to approve a reason for the failure of that member to attend a meeting or meetings of the Council where the failure to attend would not be covered under (a) above.
5. That, for the purposes of 1 to 4 above:

“Chairman” means the Chairman of the Council;

“Clerk” means the Clerk to the Council.

“Meeting” means an in-person meeting or a remote meeting;

“In-person meeting” means a meeting of the Council, or of any committee or sub-committee of the Council, at which members of the Council come together in person and which is held in accordance with Paragraph 10 of Schedule 12 to the Local Government Act 1972;

“Remote meeting” means an informal meeting of the Council, or of any committee or sub-committee of the Council, where the members of the Council do not come together in person and which is held in accordance with the requirements of the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 notwithstanding that these Regulations ceased to have effect on 7 May 2021;

“Relevant period” means the period from the passing of this Resolution until 31 May 2023 unless earlier terminated or amended by the Council.