

## Real & Virtual Public Meetings – what is allowed now?

### Quick Summary

- You should only now be holding meetings in real life where there is a legal requirement.
- There is a legal requirement to elect a Chair and agree the annual audit.
- There is also a legal requirement to hold the annual meeting of the parish council by 20 May.
- There is no other legal business needed to be transacted at the moment.

### Advice

- Hold your annual meeting on 20 May 2021 at Menheniot Parish Hall
- Restrict your agenda to the 2 legal items and a limited number of essential items
- Cancel your June meeting because it was due to take place before all lockdown restrictions had been lifted (scheduled for 17 June)
- Go ahead with your 17 July meeting at Menheniot Old School (subject to government lifting restrictions on 21 June)

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## 1.0 Background

1.1 Until March 2020, councils could only meet and make legal decisions when they were all together in the same place at the same time, and where members of the public had free access.

*This council used to meet in the Old School and advertised its meetings to encourage residents to attend.*

1.2 If these conditions are not in place, then the decisions that a **council** makes are not legal and they can be challenged as being illegal and not being enforceable.

*For example, if your meeting is not legal and you decide to appoint a new grass cutting contractor, you could be challenged because you didn't have the legal power to enter into a contract.*

## 2.0 How did the Covid-19 lockdown affect this?

2.1 Councils were not allowed to meet in public because of the restrictions, so other ways of making legal decisions had to be found.

2.2 New legislation that was renewed at 6 monthly intervals was introduced in March 2020 which allowed councils to hold 'virtual' meetings (either by video link or telephone conference) that would be legal as long as members of the public could attend.

*For example, this council chose to hold telephone conferences. The dial-in number and access codes were printed in the agenda so it was clearly in the public domain that residents could participate and had the means to do so.*

2.3 The Clerk is allowed to make legal decisions if the council agrees. The Clerk's Job Description sets out what they can do. Councillors can also agree to allow the Clerk to make other decisions if they agree by vote. This council has already given the Clerk the power to make decisions on planning (to give feedback to Cornwall Council Planners) and Finance (to make payments up the value of £1000. However, the powers can only be used after consultation with the Chair or councillors.

*For example, the council receives a request for a donation to the Cornwall Air Ambulance. The Clerk circulates an email to councillors asking for their opinion. Clerk summarises their replies and sends that out with a suggestion that £100 be donated. Councillors agree. The Clerk notes this in the public record of delegated decisions.*

[http://www.menheniotparish.org.uk/mp\\_live/wp-content/uploads/2015/07/MPC-Register-of-Delegated-Decisions.22-Jun-2020.pdf](http://www.menheniotparish.org.uk/mp_live/wp-content/uploads/2015/07/MPC-Register-of-Delegated-Decisions.22-Jun-2020.pdf)

*Clerk sets up the payment and a councillor authorises it.*

2.4 Any decisions the Clerk cannot make?

2.4.1 Payment of sums in excess of £1000 by themselves could not be made.

*This council has not paid out any larger sums than £1,000.*

2.4.2 The Clerk cannot appoint the Chair

Legislation was changed so that the existing Chair (as of April 2020) could remain in office for a further 12 months without being elected.

*This legislation is no longer in force and the council must now meet in real life to choose a Chair.*

2.4.3 The Clerk does not have the delegated power to approve the annual audit

Because the Clerk prepared the information that is used in the audit, there would be a conflict of interest if he were to also approve it. The deadline for approving the annual audit is June 2021.

*Regulations were changed in 2020 that extended the deadline for submitting the approved audit to September 2020. By that time, Covid-19 restrictions had eased so that critical council meetings (such as approving the annual audit) could take place.*

### **3.0 What is happening so far this year?**

3.1 All legal lockdown restrictions are expected to be lifted on 21 June. However, because the regulations that had been changed last year (Items 2.4.2 and 2.4.3) were not extended in March 2021, the council must hold a public meeting within 14 days of the election.

*This means that the annual meeting of the parish council scheduled for 20 May must go ahead in some form otherwise the council will be breaking local government laws and financial regulations.*

3.2 How will this happen?

The advice we have is to hold the shortest meeting possible to cover only those items that are required under law. This means meeting to elect a Chair, Vice Chair and approve the annual audit.

3.3 But there are more items than that on the agenda

The Chair has asked that these additional items are included, and that councillors prepare themselves beforehand to support positive decisions.

3.4 How will the meeting take place?

Advice is to hold it in the largest space we have, which is the Parish Hall on East Road. The venue has been risk-assessed and councillors and residents attending are asked to comply with current Covid-19 precautions.

*Tables will be located 2m apart; please wear a mask; sanitise your hands; bring your own working papers; windows will be open to allow free air circulation.*

3.5 Are we meeting in June?

Advice is not to meet in public again until after June 21. The essential and legal work that is needed to be done will have been done at the May 20 meeting. Any other business can be managed by delegation and consultation.

### **4.0 What happens after June 21?**

If all legal restrictions are lifted, the council can resume its public meetings with a full agenda with effect from July 15 in Menheniot Old School.

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Date: 11 May 2021