

Waddington Parish Council

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Emergency Powers for Parish Councils

These Powers will remain in place only for the full duration of the current Public Health Emergency.

- All Parish Councils must consider how duties can be performed during the current Public Health Emergency. If Delegated Powers for the duration of the Emergency are not approved by resolution, the Parish Council could be deemed derelict in its duties, which all should wish to avoid.
- Local Government Act 1972 sch 12 (10) meetings of a parish council shall be held at such a place, either within or without their area is one part of the legislation stating it has to be a place. Arnold Baker on Local Council Administration Eleventh Edition page 501
- LGA 1972 sch 12 (10) (2) (a) the Agenda shall state the time and place – **St Helen's Church, Waddington, Lancashire on Saturday, March 28th at 10am.**
- The other is LGA 1972 sch 12 (13) (1) voting is by a show of hands of those present (at that place stated in LGA 1972 sch 12 (10) (2) (a))
- Place and present at that place are the reason we do not hold meetings by Skype unless the law is changed
- Emergency Powers may only be resolved at a physical meeting of the Parish Council. It is therefore logical that an Extraordinary PC meeting should be convened as soon as possible. This should be held at a venue with plenty of space to allow the avoidance of close contact. It will be a meeting open to the public, however Chairman may advise on any issues of confidentiality and sensitivity, when public could be instructed to withdraw.
- Proxy voting is not allowed under current legislation, however comments from any who are selfisolating (or other reason of absence) may be taken into consideration and in order to avoid misunderstanding should be sent by email to Clerk, as Proper Officer.
- Annual Parish Council Meetings in May will not take place, however this is the point for Election of Officers and contingency needs to be resolved e.g. Current Officers remain in post until the end of the current Public Health Emergency, at a time determined by Government.
- Annual Governance & Reporting (AGAR) submission date (following approval at a PC physical meeting when they must be signed & duly minuted) has been extended from 30 June to 30 September. The preparatory work can be done with Internal Auditor following the financial year end, but approval & resolution cannot be done.
- Delegated Powers in emergency circumstances can only be delegated to the Proper Officer, however constraints should be applied, depending on a particular Parish Council's circumstances & Standing Orders. Members therefore need to consider any and all Powers which may need delegation for the term of the current emergency. The Proper Officer could (if approved by resolution) have emergency delegated powers to deal with any routine matters e.g. signing grass cutting contract. Definition is needed for such powers, e.g. Proper Officer may authorise, subject to agreement by say a majority of members, however no authorisation may be given members disagree and the matter therefore would be deferred until Council can again meet, which may take some time, dependent on Government advice.
- Delegated Powers may be needed to authorise payment to self employed contractor e.g. Lengthsman & any limit to the amount to be paid must be defined.
- Any payments due to be made for the foreseeable future would need reasoned approval. This would include Staff Salaries, regular contractors but also one off invoices for work already approved e.g. tree felling, cleaning stones. Therefore depending on current Standing Orders and signatories, delegated emergency powers need to be

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approved e.g. The Proper Officer to raise any and all cheques and approval to be sought from all current signatories, or from Chairman & Vice Chairman (if they are not signatories), providing that such payments have a clear audit trail by scanned invoice copy sent by email. Proper Officer would need to arrange signature of cheques; if signatories are self-isolating, this could be by post, with one signature already in place & copy of the pre-signed invoice sent to second signatory and an envelope stamped for the second signatory to then post off.

In addition, the following guidance was later proposed The Coronavirus Act s78, which has just been enacted, makes the following provision which also includes parish & town councils; includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.

As a results of the guidance, any items that require a decision in the meantime will be made via the Proper Officer on a "reply all" email to maintain an audit trail and demonstrate transparency and accountability. Members of the public will be able to ask to inspect any such responses made on application to the Proper Officer.