



STRATFORD-UPON-AVON TOWN COUNCIL

POLICY FOR A TEMPORARY SCHEME OF DELEGATION AND EXTENSION OF THE SIX MONTHS RULE

Temporary Scheme of Delegation

1. Having regard to the circumstances related to Covid 19, meetings of the members of Task and Finish Groups and Committees (but not regular meetings of Full Council) will be held virtually.
2. The Chairman of a Committee or Task and Finish Group may, in discussion with the members and the Town Clerk determine that the nature of business at any individual meeting is such that it should be held in person.
3. The Mayor may, in consultation with the Town Clerk, determine that the nature of the business at a meeting of the Full Council is such that it may be held virtually, however this discretion may not be exercised if the business to be transacted cannot lawfully be delegated to an officer. Matters that cannot be delegated to an officer are as follows:
 - To Elect the Mayor and Deputy Mayor of the Council
 - To Sign off Annual Accounts and AGAR
 - To set the precept
 - To raise loans
 - To appoint/dismiss the Town Clerk
 - To make byelaws
 - To consider any matter required by law to be considered by Council
4. Council recognises that virtual meetings may not constitute legal meetings of Council, but nevertheless are a practical way of establishing member views in the extraordinary circumstances currently extant. Council therefore delegates any decisions which would, in normal circumstances, have been made at meetings which are held virtually, to the Town Clerk or another appropriate officer,

who will have regard to the views expressed by members at the meeting.

5. If decisions have been delegated to an officer other than the Town Clerk, the officer will discuss the outcome of the meeting with the Town Clerk before enacting any decisions under delegated powers.

In an emergency the Town Clerk is empowered to carry out any function of the Council.

6. The provisions at points 1-5 and 7-11 will also apply to Special Meetings of the Town Council unless the nature of the decision to be made is such that it cannot be delegated to an officer.
7. Standing Orders and other rules including the quorum will apply to virtual meetings to the extent possible having regard to the medium, and members will be expected to take part and to tender apologies to the extent that would apply to physical meeting.
8. The Council will publish agendas and minutes of virtual meetings in a form and detail and with the same timing as that which applies to physical meetings and will make reasonable efforts to enable members of the press and public to witness or participate in virtual meetings to the same or a similar extent that the press and public can witness or participate in physical meetings.
9. For the duration of the application of these provisions urgent matters arising between Ordinary Meetings of the Council or between virtual meetings of members as set out above shall be considered by the Mayor (or in his absence, the Deputy Mayor) and at least two other members, one of which to be Councillor Fojtik, and recommendations made to the Town Clerk. The Town Clerk shall have regard to these recommendations and make the appropriate decision(s), on the basis of authority which is hereby delegated to her in accordance with Section 101 of the Local Government Act 1972.
10. If, in the Town Clerk's opinion, the recommendation made will have a fundamental adverse effect on the smooth running or reputation of the Town Council, she shall advise the Mayor (or Deputy Mayor) accordingly, and if necessary, a Special Meeting of the Council (which may be physical or virtual if permitted by law or Council resolution at the time) will be convened to consider the matter.

Extension of the Six Months Rule

Section 85 (1) of the Local Government Act 1972. 1.0 Introduction

1.1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Council within a six month consecutive period

11. For the purposes of Section 85 of the Local Government Act 1972, Council approves (as a legitimate reason) a failure by any member to attend meeting(s) of the authority in the specified circumstances. The specified circumstances are that:
 - a. The member would have met the attendance requirement set out in section 85 of the Local Government Act 1972 if virtual meetings which he or she attended were counted as if they were legitimate meetings of the Authority.
 - b. The Town Clerk is satisfied that the member in question has a medical reason, related to Covid-19, for not attending physical meetings, based on information provided by the member no later than one working day before the meeting of the Town Council at which he/she would otherwise have been obliged to seek approval of absence had this provision not been in force.
12. If a member disagrees with the decision made by the Town Clerk in respect of 9(b) they may make an application to Council for approval of an absence in the manner and timescale which would apply had this provision not been in force.
13. Council shall also approve (as a legitimate reason) the failure by any member to attend meeting(s) due to remote equipment failure or an unstable internet connection.
14. The above provisions will cease:
 - (a) Immediately prior to the Statutory Annual meeting of Council in May 2022, unless the date is varied in accordance with the below.

(b) Immediately, if the law is clarified or changed such that virtual meetings constitute lawful meetings of the authority.

15. A decision to vary the date set out in 10(a) may be made by Council or under delegated powers (having regard to the circumstances) under Standing Order 9 (as modified).

Town Clerk
4.5.21