

## Abbots Langley Parish Council

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27th April 2021.

To Members of the Parish Council

The next meeting of the Parish Council will be held virtually <sup>[1]</sup> on Tuesday 4<sup>th</sup> May 2021 at 7:30 pm when your presence is summoned for the purpose of transacting the business outlined below.

The press and public are welcome to attend the meeting.

Tim Perkins  
Clerk to the Council

<sup>[1]</sup> *Permitting legislation - The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.*

### AGENDA

1. **Election of Chairman**  
To elect a Chairman of the Parish Council for the year 2021-2022.
2. **Declaration of Acceptance of Office by the Chairman**  
To receive the Declaration of Acceptance of Office from the Chairman.
3. **Apologies for Absence**  
To receive and accept apologies for absence.
4. **Public Participation**  
To note if any members of the public have requested to speak at this meeting, in accordance with the Parish Council's Public Speaking Arrangements.
5. **Hertfordshire Police**  
To receive a report from the police (if present).
6. **Declarations of Interest**  
To receive any declarations of interest in items on the agenda.
7. **Election of Vice Chairman**  
To elect a Vice Chairman of the Parish Council for the year 2021-2022.
8. **Appointments to External Bodies**  
To appoint members to serve on the following external bodies.
  - Community Centre Management Committee (2)
  - Joint Committee of Parish Councils (1 + Chairman + Clerk)
  - Abbots Langley History Society (1)
  - Three Rivers District Council Environmental Forum (1 + substitute)
  - Abbots Langley Carnival Committee (1)
  - Evergreen FC Management Committee (1)
  - Henderson Hall Managing Trustees - Councillor contact
  - HAPTC Executive Committee (Cllr Liz Burns serving, four-year term of office expires July 2021)(Current appointments enclosed.)

## Abbots Langley Parish Council

### 9. Election of Committees

To confirm the membership of the following committees:

- Planning & Highways
- Leisure
- Finance & Administration
- Staffing
- Review Panel

(Current committee assignments enclosed.)

### 10. Election of Committee Chairman

To confirm the Chairman of the committees listed above.

### 11. Subscriptions and Corporate Memberships

To consider the enclosed report.

### 12. List of Deeds and Property Records in the Custody of the Council & its Solicitors

To consider the enclosed reports. (Schedules of Parish Council Property Records and Solicitors Deeds & Documents list enclosed.)

### 13. To confirm the Minutes of the Parish Council Meeting Held on

8<sup>th</sup> March 2021.

### 14. Minutes for adoption

To adopt the following minutes and approve their publication on the Parish Council's website.

- Staffing Committee - 17<sup>th</sup> March 2021 & 4<sup>th</sup> April 2021.
- Planning & Highways Committee - 10<sup>th</sup> & 31<sup>st</sup> March, 21<sup>st</sup> April 2021.
- Leisure Committee - 14<sup>th</sup> April 2021.
- Finance & Administration Committee - 26<sup>th</sup> April 2021.

### 15. Parish Council & Committee Meetings 2021-2022

To consider the arrangements for the above. (Clerk's report item 1.)

### 16. Annual Parish Meeting

To consider the arrangements for the above.

*(Meeting postponed from 3<sup>rd</sup> March 2021 due to pandemic restrictions.)*

### 17. Clerk's Job Title

*(Referred from the Staffing Committee min. 365)*

To agree by resolution the recommendation from the Staffing Committee that the job title of the Clerk be in future designated as "Chief Officer and Clerk to the Council".

### 18. Resignation of the Clerk

To note the above, formally submitted to the Chairman on 16<sup>th</sup> April 2021.

### 19. Clerk Appointment Panel

To agree membership of the above and the terms of reference of the panel which should be in line with the previously agreed Internal Action List. (enclosed.)

### 20. Past Chairman's Report

To receive the Past Chairman's report.

### 21. Neighbourhood Plan Steering Group Report

To note the report from the Chairman of the above. (enclosed report 31.)

### 22. District and County Council Member's Reports

To consider any reports submitted by members of the above authorities.

### 23. Clerk's Report

To consider items in the Clerk's report not covered elsewhere on the agenda.

## Abbots Langley Parish Council

### **24. Monthly Statement of Accounts**

To consider the Monthly Statement of Accounts for March and April 2021 and approve their publication on the Parish Council website.

### **25. Exclusion of the Press and Public (Part II)**

As the following item will consider the terms and conditions of employment of Parish Council staff a resolution to exclude the press and public may be required, under the Public Bodies (Admission to Meetings) Act 1960 and the LGA 1972, s100 & 102.

### **26. Appointment of a New Clerk**

To discuss matters related to conditions of employment.

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## Abbots Langley Parish Council

### Clerk's Report - May 2021

#### 1. Parish Council and Committee Meetings 2021-2022

From discussions with a number of members and listening to comments made in virtual meetings, I detect a significant reluctance to return to face-to-face council and committee meetings, especially prior to 21<sup>st</sup> June 2021 when current HMG advice would indicate that most pandemic restrictions will be lifted.

The legislation that permits virtual Parish Council meetings expires on 7<sup>th</sup> May 2021, which is why we brought forward this meeting, which was originally scheduled for 10<sup>th</sup> May 2021.

The court challenge to HMG's decision not to extend the legislation which permits virtual meetings is due to be heard on 21<sup>st</sup> April 2021, with a judgement due the following week.

As I am taking leave the week the judgement is due, I lay out below the options should the judgement not be favourable to extending the legislation.

#### ***Option 1 - Ignore the lapse in the legislation and continue to hold virtual meetings.***

This would mean any decision which the council resolves stand at risk as being declared illegal (*ultra vires*). The risk of this is probably minimal. But it would mean members are flouting the law and this is probably not a good look.

As Clerk I would also be condoning this approach and with this I am far from comfortable.

Much as I have tried to keep this council honest, in my years here we may have unknowingly stepped over any number of legal lines, if we have the internal and external auditors have too missed any transgressions.

To step over the legal line deliberately and knowingly is another matter entirely.

I do not recommend this approach.

#### ***Option 2 - Continue to hold meetings virtually and review this decision at every Parish Council (not committee) meeting.***

The meetings would still be called by me issuing an agenda, discussions and debate would carry on as normal, here comes the "but".

Members would not resolve decisions, they would make recommendations which I would act on under delegated authority.

In practice this would be business as usual.

There are however a few things that would require to be resolved by the Parish Council, these are:

- To appoint the Chairman and Vice-Chairman in May each year.
- To sign off the Annual Governance Statement by 30<sup>th</sup> June each year.
- To appoint the Head of Paid Service (Clerk to the Parish Council).
- To set the Precept.
- To make byelaws.
- To borrow money.
- To consider any matter required by law to be considered by Council.

Time wise the first two are the most relevant.

The Chairman and Vice Chairman will be appointed at the virtual Annual Council Meeting on 4<sup>th</sup> May 2021. So no problem.

The approval of the Annual Governance Statement will require a proper meeting on or around the 16<sup>th</sup> June 2021. This could be done at a brief "car park" meeting with a quorate number of members.

## Abbots Langley Parish Council

### Clerk's Report - May 2021

#### Legislation

The legal small print:

1. Section 101 of the Local Government Act 1972 provides:
  - That a Council may delegate its powers, except those incapable of delegation, (see *the bullet points above*) 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.
4. In an emergency the Proper Officer is empowered to carry out any function of the Council.

#### Delegation to the Proper Officer

Whilst the Parish Council have granted me significant powers of delegation, which enable the council to function efficiently, the following would need to be resolved to cover all actions that may extend outside of the delegation already granted.

- As a temporary measure, to allow for effective decision making, the Proper Officer may be empowered to take any and all decisions recommended to them by the Parish Council or relevant committee.
- This delegation to be resolved for six (?) months and then subject to review or revocation.
- This empowerment does not affect the delegations already in place via Standing Orders or Financial Regulations.

I recommend this course of action.

#### 2. Henderson Hub Co. - Service Level Agreement

The above agreement as resolved by the Parish Council (min. 324) has been signed by both parties.

#### 3. Citizens Advice Bureau - Emergency Funds Grant

Update on my report to the March Parish Council meeting. The CAB have made three further payments from the £2,000 awarded by the PC to support residents in emergency need.

- £120 for energy for a victim of domestic violence.
- £399 cooker for a vulnerable client on benefits downsizing to a smaller social housing property.
- £202 for a cot for a new baby, vulnerable single parent on benefits.

£785 in total has been spent from the allocated funds.

#### 4. Financial Grants 2021-2022

Financial grants, including the Henderson Hub approved by the PC and F&A in January have been paid.

**Tim Perkins**

Clerk to the Council

27th April 2021

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