



HELSTON TOWN COUNCIL
Konsel an Dre Hellys

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1

19th March 2020

To: The Mayor and Members of the Town Council

Dear Councillor,

You are summoned to attend a Special Meeting of the Helston Town Council to be held in The Guildhall, Helston on **THURSDAY 26TH MARCH 2020 at 6.30 p.m.** for the purpose of transacting the undermentioned business.

Yours sincerely,

Chris Dawson
Town Clerk

AGENDA

1. Apologies for absence.
2. Members to declare interests (including the details thereof) in respect of any item on this Agenda.
3. To consider advice from the Cornwall Association of Local Councils (CALC) regarding the functioning of the Council during the Coronavirus outbreak (**Page 3**).

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Subject: Coronavirus FAQs and additional information
From: Mason Sarah <Sarah.Mason@cornwall.gov.uk>
Date: 17/03/2020, 17:24
To: CornwallALC Enquiries <enquiries@cornwallalc.org.uk>

Information Classification: CONTROLLED

Dear All

Please find an update on the impact of the coronavirus on your council meetings etc and your options for alternative procedures to minimise disruption.

We have also been advised today of the following actions being considered by government. Some of these may require additional legislation

- Councils will be able to use their discretion on deadlines for FOI requests
- The deadline for local government financial audits will be extended to 30.9.2020
- It will consider bringing forward legislation to remove the requirement for an annual council meeting with members present in person and also to allow virtual committee meetings to take place (for a temporary period).

As always please refer to the public sites for further guidance on the health implications of the virus. We will continue to build an FAQ list on the website as further information is made available. I am sure you will understand that after the significant announcements yesterday, there is little information to support how self isolation can be achieved. We will endeavour to keep you up to date and hope that you will share any templates and policies which you use for your council.

Finally at this time it seems appropriate to suspend all training meetings and visits to councils until further notice. I am looking at how to provide a Cilca training via skype and will contact those booked on the early course direct.

I hope that this helps and thank you for your patience as we work our way through the briefings and guidance.

Kind regards,

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CORONA VIRUS CALC BRIEFING AND FAQs

March 17th, 2020

Dear Councillors and Clerks,

We have been inundated with requests for guidance on the impact of the virus on your council meetings, audit process and planning systems. We have done our best to respond to every individual request to help you understand the powers open to you. Further to our email last week I am now able to offer some guidance as to how you may achieve a level of activity and business continuity in the coming weeks.

The most important advice is that the council should adopt a broad delegation which will allow it to continue to operate outside of meetings until such time as the advice changes. Rather than using physical meetings, the council should use email and its website as far as possible to replicate debate and the gathering of public opinion.

The legislation allows for the council to delegate to an officer but not individual members and the wording of the resolution below reflects the law.

A suggested wording is :

That the Council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman/Mayor and Deputy Mayor to take any actions necessary with associated expenditure to protect the interests of the community and ensure council business continuity during the period of the pandemic Coronavirus, informed by consultation with the members of the council.

Many of the enquiries received relate to the age and health of councillors, their families and staff. In particular most are concerned that council is likely to be inquorate to make any decisions at meetings and you may find the following FAQs helpful.

- 1) Parish Council meetings - general
 - i) The council is required as a minimum to meet once in May for a statutory annual meeting and at least three other times during the year. This means that the council will not have failed in any regard if it reduces or cancels the number of public meetings held during the coming months.

- ii) For a decision to be lawfully made the item must have been publicly advertised on an agenda published at least 3 clear days before the meeting. The vote must be taken by those present and eligible to vote i.e. the members present at the meeting. There is currently no power which allows for virtual meetings, attendance via skype or similar, or proxy voting.
- iii) The council can only exclude the press and public from part of the meeting where the nature of the business to be discussed is deemed confidential. This means that any matters which are normally discussed in an open session – planning, services, approval of minutes, payment of accounts etc cannot be moved into a closed session simply on the basis of excluding the public as a result of the virus.
- iv) Local councils are able to meet on any day of the week including Saturdays if necessary and there is no requirement for an indoor venue. It is therefore lawful for a council to meet outside maintaining a suitable distance between members.
- v) There is no legal requirement for the Clerk to attend council meetings and under the duty of care the council as an employer must consider the well being of their clerk and any other staff when organising meetings. This is particularly important if the Clerk is required to either self-isolate and/or falls into the category of a vulnerable person. The council should accept any reasonable request from their employee to self-isolate particularly in the light of medical advice.

2) Annual meeting of the council and electors

- i) The annual meeting of the council must take place during May, when the first item of business must be to elect the Chairman of the council for the year. Government has today announced that it is considering bringing forward legislation which would allow this to be a virtual meeting and we will let you know as soon as there any further detail.
- ii) The last function of the outgoing chair is to oversee the election of the new chairman. Where the chair and vice chairman are absent then members present will need to elect a chairman for the item as that member will hold the casting vote in the event of a tie.
- iii) The annual meeting of electors must be held between March 1st and June 1st, 2020. Therefore, there is still time for the advice to change and it possible that Government will extend the time period for this meeting to later in the year.

3) Year End and Audit procedures

i) External Audit

Currently, the Annual Statement of Accounts and associated papers must be approved by the Council and submitted to PFK Littlejohn before June 30. followed by a period of public inspection.

The Government has today announced the extension of the audit period until September 30, giving more time for the completion of the audit process and approval at a public meeting. We await further on the public inspection timetable.

We would advise that you continue to conclude the audit process as normal so that you can take advantage of any meeting of the council which does take place, to approve the accounts and Statement of Assurance.

ii) Transparency Councils with a turnover below £25,000

Where the council's turnover is less than £25,000 it can resolve at a public meeting that it is exempt under the legislation but must still complete the paper process i.e. annual return, internal auditor's report and Statement of Assurance.

Provided that you have not been advised of the need for an external audit this year, and you are below the threshold, the council should continue to work through the process as normal and ensure that the information is published on your website in a timely manner with the proper approval at the next available meeting. It should not delay doing this until the Autumn simply because it can!

4) Financial Matters

i) The following payments can be made without the need for approval at a meeting of the council or a committee:

- a. Any payment which part of an agreed contractual obligation is (salary and on costs, contractors, and suppliers). This is because failure to pay would be a breach of contract or the individual payment is part of budgeted expense.
- b. Any other budgeted item including approved grants, approved purchases (playground equipment, computer, other assets) insurance and any other expenditure previously agreed by the council. There is an audit trail that the council has already considered and approved the payment.

- c. Any amount authorised by the Clerk which within the limits set by the Council's financial regulations.
 - d. Any other payment authorised under the emergency Emergency Scheme of Delegation.
- ii) Regardless of the Emergency Scheme of Delegation, members are still responsible for the management of the council's finances in accordance with its financial procedures. Nothing in the Emergency Scheme of Delegation removes the council's obligations to carry out assurances as normal. It should work with the Clerk/RFO to identify how this can be achieved and recorded.
 - iii) Many councils now use internet banking and electronic payments. If the council still relies on signed cheques for making payments it is now recommended that it should reconsider the use of electronic payments. Many banks now offer some form of internet banking and this will remove the need for face to face contact with cheque signatories. It will also remove the need for the payee to have to travel in order to cash the cheque and receive payment.
 - iv) The Council may wish to review the amount delegated to the Clerk in the Financial Regulations to ensure that it is proportionate to its needs at this time. With advice changing on a daily basis the council must ensure that the approved levels provide scope for the council to act as necessary.
 - v) The Openness of Local Government Bodies Regulations 2014 require the council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk is therefore advised to keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. This may be required at audit in the following year.

<http://www.legislation.gov.uk/ukdsi/2014/9780111113554>

5) Planning

We have received numerous questions on how to achieve a proper process for considering planning applications. The advice below is drawn on experience rather than external guidance and we are waiting for further information from Cornwall Council as the planning authority. In the meantime, the following mechanism appears to replicate the local council process as far as possible and is achievable within the 21 day statutory consultation timetable.

- i) The clerk will advertise on the council's website links to all planning applications received from the planning authority on the council's website, offering the public the opportunity to let you know of any views. The notice should give a deadline for public comments to the Clerk in writing (suggested 5 working days)

At the same time the clerk will circulate the list with links to all members of the council.

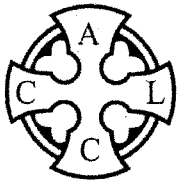
Note : you may find it helpful to do this on a weekly basis working in full weeks for managing the planning process.

- ii) At the end of the public opportunity to comment, the clerk will forward a summary of the public comments received to all members (or members of the relevant committee) for member comments for a period of a further 5 working days. Under GDPR, the clerk should not circulate individual responses without the writer's express permission. T
 - iii) Under the Emergency Scheme of Delegation, the Clerk and appropriate members will agree a council response which identifies relevant material considerations and may give local information or opinion. The draft response is then shared with members for 2 days for any comments, before being sent to Cornwall Council with the following statement :
- "Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of [insert name of council] identified through a consultation process and will be ratified at the next appropriate meeting of the council. "*
- iv) The Council's response can then be posted on the council's website.
 - v) If the matter is referred back to the council under the 5 day protocol, the Emergency Scheme of Delegation will allow the clerk to take any appropriate action to respond on behalf of the council. As the council's opinion has not be gained through the normal public process, it may be prudent to simply reply that

'due to the restrictions placed on the council as a result of the pandemic Coronavirus, it has been unable to consult further and therefore has nothing further to add'.

Advice and Information

NALC has created a web page ([here](#)) for local councils and we will continue to supplement this with additional FAQs and information.



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CORONA VIRUS CALC FAQs 2 - March 18th, 2020

Please find below answers to questions raised to the office since our last briefing.

Continuity Planning

It is important that the council reviews its risk assessment for services, public buildings, meetings and governance and importantly its staff. It is therefore recommended that this is done quickly as it will form the basis for how the council works during the period of disruption.

The main focus for your next council meeting will be to agree the continuity plan and the Emergency Scheme of Delegation. These two decisions will allow you to inform the public how the council will work and also to set the guidelines for using the delegated authority.

HR matters relating to laying off staff

We have asked NALC for further guidance on what amounts are payable to employees if the council chooses to close services such as libraries and public toilets. We hope to be able to share this information before the end of the week; the announcements from Government continue change as additional payments are added.

HMRC has published guidance for employers and which can be downloaded [here](#)

Internet Banking

We have heard that some clerks are happy to continue with a cheque-based payment system at this time. As an employer the council has a duty of care to protect its employees and we would advise that where alternative mechanisms exist it is unreasonable to expect employees to act outside of government advice on essential travel and the requirements to self isolate especially if your clerk is in a vulnerable category due to age, health and family.

Grant funding to community shops

We have been asked whether it is appropriate for a parish council to 'bank' a sum of money with a local shop to avoid the use of cash and support a volunteer delivery

service. We have advised that it would not be appropriate but that the council can consider an emergency grant to any organisation for the benefit of the community at this time. Unless the council holds the General Power of Competence this would be a S137 expenditure where the normal restrictions apply. The rate for S137 is £8.12/elector rising to £8.32/elector from April 1st, 2020.

Financial support to community organisations

The council may wish to establish a social emergency fund which could be used under the scheme of delegation to support local organisations such as food banks, shelters and volunteers during the coming months. This would allow the council to offer immediate support where the benefit to local residents could be established without the normal delays.

We will endeavour to update these FAQs on a regular basis feeding back the advice given to direct enquiries. If you have any questions please get in touch so that we can share the advice across Cornwall.

Sarah Mason
County Executive Officer
Cornwall ALC