

Advice to Parish Councils regarding coronavirus

1. Parish Councils are not able to conduct meetings by tele-conference. Councillors make decisions by attending a properly called meeting which is open to the public.
2. The legal requirement is for Parish Councils to meet at least four times a year, with one of those meetings being the Annual Meeting of the Parish Council in May.
3. Most parish councils meet monthly or bi-monthly and advertise their meetings for the year ahead but it is perfectly lawful to miss one or two of those meetings if the Clerk:
 - 3.1 Simply does not call the meeting i.e. does not publish a notice of meeting and agenda within the required time.
 - 3.2 Notifies the public via the website and noticeboards that: 'The meeting scheduled for X date will not be going ahead due to X reason which, currently would be 'to minimise the possible health risk to parish councillors, the clerk and local residents from Coronavirus'
 - 3.3 As mentioned in December's 'Information Corner', it is not possible to cancel a properly called meeting. However, if your meeting has already been called, it may be prevented from going ahead due to the likelihood of it being non-quorate because:
 - 3.3.1 Government has issued a directive not to hold public meetings.
 - 3.3.2 Councillors are reluctant to attend because of their age or underlying health issues which would make them more susceptible to a severe form of Coronavirus.
 - 3.3.3 Councillors and/or the Clerk have contracted Coronavirus or are self-isolating. If this is the case, then the public should be notified via the website, noticeboards social media and the venue (posting of notice at the Village Hall) that the meeting is unable to go ahead.

In all the above circumstances, the proposed date for the next meeting should be made known to local residents but it should be pointed out that the next date will also be subject to national / local circumstances prevailing at the time.
4. There is a legal requirement for every parish council to hold an Annual Meeting of the Parish Council in May and also to hold an Annual Parish Meeting between 1st March and 1st June. The only lawful way for these two meetings not to be held is if Government issues dispensation to all parish councils not to hold those meetings. This happened a few years ago with the foot and mouth outbreak.

WALC will keep you informed if Government issues such a directive.
5. Parish council business can continue in the absence of one or two meetings if:
 - 5.1 There is a parish council minute stating that the Parish Council has given the clerk delegated powers to spend up to a certain amount between meetings when unforeseen circumstances occur.
 - 5.1.1 Whilst it is hoped that such delegation has been previously authorised, if that is not the case for your Parish Council then it is still lawful for your clerk to spend against specific items in your budget i.e. for contractors such as the lengthsman, hall hire, clerk's salary, all of which will have been identified in the budget when setting the precept.

- 5.1.2 All payments under delegated powers or in accordance with budget must be reported and recorded in the minutes of the next parish council meeting.

- 5.2 There is a parish council minute stating that the Parish Council has given the clerk delegated powers to comment on planning applications between meetings when unforeseen circumstances occur.
 - 5.2.1 All planning comments made under delegated powers must be reported and recorded in the minutes of the next parish council meeting.
 - 5.2.2 If the clerk has not previously been given delegated powers to comment on planning applications in unforeseen circumstances, there could be a legal challenge if comments are submitted to the planning authority by the clerk on behalf of the parish council. However, there is nothing to stop individual councillors from submitting views independently.

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