

## **COUNCIL SUMMONS**

**You are hereby summoned to attend an EXTRAORDINARY meeting of the LLWCHWR TOWN COUNCIL to be held on Thursday NEXT the 26th March, 2020 at the Welfare Hall, Loughor, commencing at 2.00pm, for the transaction of the following business:-**

1. Apologies for absence.
2. To receive disclosures of Personal Interests from Members under the Council's Code of Conduct.  
(Note: Members are requested to identify the item number and subject matter that their Personal Interest relates to. Where the Personal Interest is a Prejudicial Interest they must withdraw from the meeting while that item of business is discussed.)
- 3- To consider the Report of the Clerk (copy enclosed)

Dated this 20<sup>th</sup> March 2020.

N.G.Havard  
Clerk to the Council

**Agenda Item 3**

### **LLWCHWR TOWN COUNCIL** **Date 26th March 2020** **REPORT OF THE CLERK**

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- 1-Delegated Powers
- 2-Dispensation for Councillor leave of absence-all Councillors
- 3-Council's Annual Dinner

**Dated this 20 th March 2020**

**Agenda Item 3**

### **LLWCHWR TOWN COUNCIL** **FULL COUNCIL** **Date 26<sup>th</sup> March,2020** **Report of the Clerk**

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## 1-Delegated Powers

The World Health Organisation (WHO) recently declared the Covid-19 virus as a pandemic. In light of this, it is possible that a number of Councillors may have to self-isolate. Self-isolation could lead to a Councillor being absent for a period of many months. Therefore having regard to UK, WG and Public Health Wales Guidance it is proposed that the Meetings of the Town Council, Welfare Hall Management Committee and the Functions Sub-Committee be cancelled until advice is received that such Meetings may safely proceed. In the absence of Meetings a decision making mechanism is required. The Clerk has received the advice of OVW as follows-

“Council’s Powers to Discharge their Functions-

1-When statutory functions are conferred on a local authority, they are given to the Full Council. This means that formal decisions (Resolutions) about the discharge of the Council’s statutory functions and the related responsibilities must be made at Meetings of Full Council. It is often impractical for the Full Council to meet every time decisions need to be made. Therefore legislation permits a Council to delegate the performance of its statutory and legal responsibilities to-

-a Committee or

-a Sub Committee or

-an Officer of the Authority or

-another Local Authority

2-When a Council delegates its responsibilities to Committee, Sub Committee Officer or another Local Authority they are acting for and on behalf of the Council. The statutory authority for a delegation is Section 101(1) Local Government Act 1972 (“1972 Act”).

3-A Council cannot delegate the performance of its statutory and legal responsibilities to an individual Councillor.”

Further OVW advice indicates that if delegated powers are granted to a Sub Committee it has to meet physically to make decisions hence the Town Council’s option to prefer delegated decisions.

OVW advice in respect of delegation to Officers states-

“In the Hillingdon case the Judge stated that it would be difficult to fault a procedure where decisions by a Council are taken by a duly authorised officer pursuant to S.101 of the 1972 Act in consultation with the elected chairman as it would be a simple way of dealing with urgent matters which could not be decided at a Meeting but for which it was undesirable for a single officer to take sole responsibility. In some instances it may be appropriate for consultation to be wider than solely with the Chairman of the Council.”

It is therefore proposed to adopt the above principles to cover the decisions required to be made by the Town Council during the Covid 19 Virus crisis and to enlarge the personnel involved in the consultation process.

It is therefore proposed that the following Resolution be adopted-

“In order to deal with all matters arising during the Covid 19 Coronavirus crisis it is

**RESOLVED** that delegated powers be granted to the Clerk in consultation with Councillor William Evans (whether in his role as Mayor or otherwise), the Mayor (if not Councillor William Evans), the Deputy Mayor and the Chair of the Welfare Hall Management Committee/Trustees to deal with any matter arising subject to the Council’s Financial Regulations.”

## 2-Dispensation for Councillor leave of absence-all Councillors

As a result of the virus and eg self isolation this could lead to a Councillor being absent for a period of many months. This could result in a breach of Section 85 of the Local

Government Act 1972 whereby failure to attend meetings of the Authority for a period of 6 consecutive months would mean that the Councillor would cease to be a Member. However Section 85 of the Act also provides that the Councillor shall cease to be a Member of the Authority unless the failure to attend was due to some reason approved by the Council before the expiry of the 6 consecutive month period.

As the approval has to be prior to the expiry of the 6 month period and as it is currently unknown in light of the pandemic when Council meetings will be reinstated Council is being asked to make this decision now in the event that future meetings may be some way off. It is therefore proposed that the following Resolution be adopted-

“It is hereby **RESOLVED** that in the event any Councillor cannot attend a Council meeting, for a period of 6 consecutive months, owing to the Covid-19 virus then their failure to attend any meetings is approved by the Council in accordance with Section 85 of the Local Government Act 1972.”

### 3-Council’s Annual Dinner

Members will be aware that, unfortunately, the Annual Dinner has had to be cancelled because of the virus.

The Clerk sets out below his Report in respect of the 2019 Annual Dinner-  
“Annual Dinner 2019

The Council held its Annual Dinner on Saturday 13<sup>th</sup> April, 2019 in the Welfare Hall. The evening was a great success. The costs of the Event are set out below-

Catering	£1,080.00
Bouquets	£72.00
Additional wine	£32.47
The Raffle raised £310.00 which has been paid into the Mayor’s Account.	
Bar takings amounted to	£360.70
Less Float	£100.00
Balance	£260.70

This amount has been paid into the main Town Council Account “

It is proposed that because the Dinner has had to be cancelled that the costs namely the catering and bouquets (last year £1,152.00) be donated to the Mayor’s Account.

**Dated this 20<sup>th</sup> March 2020**  
**Clerk to the Council**

