

NOTICE OF MEETING

An **EXTRAORDINARY** meeting of the **WELFARE HALL MANAGEMENT COMMITTEE /TRUSTEES** will be held at the **Welfare Hall, Woodlands Road, Loughor** on **Thursday next the 26th March 2020** commencing at 2.15pm 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 interest relates to and to signify whether their interest is such that they remain and vote / remain and not vote / withdraw).
3. To consider the Report of the Clerk (copy attached).

Dated this 20th March,2020.

Nigel G Havard
Clerk to the Council

Agenda Item 3

LLWCHWR TOWN COUNCIL WELFARE HALL MANAGEMENT COMMITTEE/TRUSTEES Date 26th March,2020 Report of the Clerk

CONTENTS

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 Management Committee/Trustees 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.”

Dated this 20th March,2020
Clerk to the Council