

Ringwood Town Council

Ringwood Gateway, The Furlong, Ringwood, Hampshire BH24 1AT

Tel: 01425 473883

www.ringwood.gov.uk

SUMMONS

Dear Member

25th March 2021

You are hereby summoned to attend a meeting of the Town Council on 31st March 2021 at 7.00pm.



Mr C Wilkins
Town Clerk

Ringwood Town Council is committed to transparency in its decision-making processes. The current crisis prevents the holding of physical meetings but insofar as it is possible and in accordance with Government Regulations, this meeting will take place in a virtual environment using the "Zoom" technology. Councillors are encouraged to join in good time ready for a start of the meeting proper at 7.00pm. In the event of difficulty joining please contact Chris Wilkins, Town Clerk on (01425) 484720 or by sending an email to chris.wilkins@ringwood.gov.uk.

Members of the press or public who would like to participate or simply observe the meeting are requested to tell us in advance by contacting Chris Wilkins, Town Clerk. You can join the meeting by following the link:-

<https://us02web.zoom.us/j/85487178672?pwd=WHBrVTg0YkNlOG41RG95WXhlb0xsQT09>

Meeting ID: 854 8717 8672

Passcode: 148039

AGENDA

1. PUBLIC PARTICIPATION

There will be an opportunity for public participation for a period of up to 15 minutes at the start of the meeting

2. To receive Apologies for Absence

3. To receive Declarations of Interest

4. LAND AT MOORTOWN LANE

To receive a presentation from St Congar and the project team on development proposals for Strategic Site 13

5. To receive a report from Ringwood Police (if provided)

6. To approve as a correct record the Minutes of the Meeting held on 24th February 2021
7. To receive Minutes of Committees and approve recommendations contained therein:

Recreation, Leisure & Open Spaces	DATE :- 3 rd March 2021
Planning, Town & Environment	DATE:- 5 th March 2021
Policy & Finance	DATE:- 17 th March 2021
Staffing Committee	DATE:- 24 th March 2021
8. **MEETING ARRANGEMENTS AND DELEGATION OF POWERS**
To consider the Town Clerk's report and issues for decision (*Report A*)
9. **SPORTS DEVELOPMENT PROJECT AT LONG LANE**
To receive a report from Cllr Loose (the Council's representative on the Steering Group) or Cllr Briers (deputy) on project developments.
10. To receive such communications as the Town Mayor may desire to lay before the Council (Councillors are reminded that no decision taking may take place as a result of this item)
11. To Receive Reports from Ringwood Town Councillors and Student Advisors (Councillors are reminded that no decision taking may take place as a result of this item)
12. To receive Reports from County and District Councillors (Councillors are reminded that no decision taking may take place as a result of this item)
13. Forthcoming Meetings – to note the following dates:

Recreation, Leisure & Open Spaces	7.00pm	Wednesday 7 th April 2021
Planning, Town & Environment	10.00am	Friday 9 th April 2021
Policy & Finance	7.00pm	Wednesday 21 st April 2021
Full Council	7.00pm	Wednesday 28 th April 2021

If you would like further information on any of the agenda items, please contact Mr Chris Wilkins, Town Clerk, on 01425 484720 or chris.wilkins@ringwood.gov.uk

Council Members:

Chairman: Cllr Tony Ring, Town Mayor
 Vice-Chairman: Cllr Philip Day, Deputy Mayor
 Cllr Andy Briers
 Cllr Gareth DeBoos
 Cllr Hilary Edge
 Cllr Rae Frederick
 Cllr John Haywood
 Cllr Jeremy Heron
 Cllr Peter Kelleher
 Cllr Darren Loose
 Cllr Gloria O'Reilly
 Cllr Steve Rippon-Swaine
 Cllr Glenys Turner

Student Advisors:

TOWN COUNCIL**31st March 2021****Report on meeting arrangements and delegation of powers****1. Introduction and reason why decision required**

- 1.1 The powers contained in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authorities and Police and Crime Panels Meetings) (England and Wales) Regulations 2020, by which the Council has been able to meet remotely using video-conferencing technology, cease to apply after 6th May 2021. It is therefore necessary to consider what arrangements to make in respect of the Annual Council Meeting, other meetings and the making of decisions about the performance of Council functions after that date.

2. Background information, options, impact assessment and risks

- 2.1 Opinions are divided on the question of whether councils like this one can lawfully meet remotely after 6th May. The question may turn on the proper interpretation of the earlier legislation (much of it passed in the 1960s or 70s) and Standing Orders drafted without express consideration of the matter. They can be read as either not clearly authorising meeting remotely or as not clearly prohibiting it. It is possible that the government may yet take steps to extend the 2020 Regulations or that a ruling will be obtained from the courts on the point but neither is certain.
- 2.2 If a council were to meet otherwise than in a lawful manner, what consequences would follow? First, it should be clearly understood that this is not a criminal matter; nobody is suggesting that members or officers could be prosecuted, convicted, fined (or worse). In the analogous case of a council meeting without the agenda having been circulated the requisite three clear working days beforehand, it has been ruled that this did not nullify the proceedings; the decisions made were allowed to stand and be acted upon.
- 2.3 It is also relevant to consider the government's roadmap out of lockdown (even though it does not mention local authority meetings specifically, it does address questions of social-distancing at meetings indoors and out). Current expectations are that Step 2 will be no earlier than 12th April, Step 3 than 17th May and Step 4 than 21st June. From 7th May (Step 2), the rule of six or two households will apply outdoors with no mixing indoors. From 17th May the limit on outdoor meeting will rise to 30 and the rule of six or two households will apply to indoor meetings (subject to review). Only after 21st June will there be no legal limits on social contacts.
- 2.4 The Council is required by law to hold an Annual Meeting in May (on a date to be agreed by the Council). It should also be noted that the Annual Governance and Accountability Return has to be considered and approved at a meeting of the full Council. This cannot be done until completion of the internal audit after the financial year end (on 31st March) but is usually subject to a filing deadline in July, with the result that it has generally been done here at the June Council meeting. This task cannot be delegated.
- 2.5 It is unclear at present whether councils will be able lawfully to meet remotely after 6th May, or physically before 21st June. (Members may be aware that some councils have taken to meeting in hybrid fashion, with some attendees physically gathered and others attending remotely. The uncertainty about the lawfulness of wholly remote meetings apply equally to such hybrid meetings.) HALC has issued a paper recommending that member councils re-schedule their Annual Meetings for the period 1st to 6th May.

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- 2.6 Given the present uncertainty officers concur with the recommendation from HALC and recommend that the meeting of the Recreation, Leisure & Open Spaces Committee scheduled for Wednesday 5th May be cancelled and the Annual Meeting scheduled for 26th May be brought forward and held remotely on that date instead. This will have the unfortunate effect that the new councillor elected on 6th May will be unable to take part but that drawback is outweighed by the benefit of ensuring that the election of the Mayor and other essential annual tasks are completed in a manner that is indisputably lawful.
- 2.7 For meetings scheduled after 6th May but before Step 4, several options present:
- 2.7.1 Proceed with them remotely as at present; or
 - 2.7.2 Cancel them; or
 - 2.7.3 Proceed with them remotely but treat them as giving “advice” to officers rather than making decisions.

If the second or third options are preferred, it might be advisable to review and enlarge the delegation of powers to officers. The Council already delegates many day-to-day operational decisions to the Town Clerk. Decisions about policy and strategy and many significant operational decisions are in practice made by members in meetings to which the public has access but if this is impracticable, such enlarged delegation may be the only alternative to paralysis.

- 2.8 For meetings scheduled after Step 4, there are, again, options. The Council could simply resume meeting physically but some members may feel uncomfortable about this and prefer the option of remote attendance. Presuming they are not declared unlawful, hybrid meetings would pose a further technological challenge but perhaps this should be met? There may well be a specific difficulty in dealing with the AGAR but since there is a little time available and the likelihood of further developments, officers recommend that no decision be taken about this now.

3. Issues for decision and any recommendations

Whether:

- 3.1 the Council should cancel the meeting of the Recreation, Leisure & Open Spaces Committee scheduled for Wednesday 5th May and bring the Annual Meeting scheduled for 26th May forward to be held as a remote meeting on 5th May instead**
- 3.2 the meetings scheduled between 6th May and the date of Step 4 (if later and whatever date that may be) should:**
- 3.2.1 proceed as remote meetings but otherwise as normal; or**
 - 3.2.2 be cancelled; or**
 - 3.2.3 proceed remotely but be confined to the giving of advice to officers in the exercise of delegated powers rather than making decisions.**
- 3.3 the Council should with effect from 6th May until the date of Step 4 (if later and whatever date that may be):**
- 3.3.1 Delegate to the Town Clerk (i) the power to make any decision on behalf of the Council which the Council itself could lawfully make and lawfully delegate to the Clerk at the time of such decision (whether such delegation is lawful now or not) and (ii) the power to delegate any such decision to the Deputy Town Clerk, the Finance Manager or other officer of the Council; and**
 - 3.3.2 Instruct the Town Clerk to take all steps necessary to ensure the Council fulfils its responsibilities to Ringwood residents and in doing so to confer with the Town Mayor, relevant Committee chair**

and other councillors where practicable and by such means as shall appear expedient from time to time.

- 3.4 officers should work towards being able to facilitate “hybrid” meetings of the Council and its Committees and Working Parties as soon as practicable.**

For further information, contact:

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