



Hampshire Association of Local Councils

President: Professor John Denham FRSA

Chief Executive: Dawn Hamblet MSc, FICPD

Briefing Note

All member Council Clerks

All Member Council Chairmen

Coronavirus Covid-19 Update

9 July 2020

After months of living in lockdown in response to the coronavirus (COVID-19) outbreak, restrictions are slowly easing as part of the Government's Recovery Stage.

However, these changes, including reopening facilities, provide their own challenges and Parish and Town Councils are continuing to work extremely hard in a difficult and pressured time. We will continue to provide advice and guidance to support councils in providing services to their communities. The information below has also been shared recently in our newsletter.

Coronavirus Regulations

On Friday (4 July), the Government [published](#) new Coronavirus Regulations. These apply to the whole of England, except Leicester, to which separate regulations apply. The regulations make gatherings of 30 people or more in private dwellings and outdoor spaces illegal. This will be reviewed every 28 days.

Reopening play parks

[The government advice](#) is that it is up to each venue owner to decide whether their facilities are ready to be reopened or not. This is not mandatory, and your Council may decide it is not safe to reopen their play areas at this time. Guidance has been provided and the Council must make the decisions that are appropriate for their communities at this time, and they should be based on a risk assessment, which takes into account the additional risks associated with Covid-19.

We have had a number of comments that the Government advice in this area is less than helpful, and we agree that the guidance could be clearer. We have been liaising with NALC to raise this as an issue and a meeting is due to be held at a national level with Government on this.

If the Council decide they are ready to reopen the play park following the risk assessment, they will need to ensure that their action plan implemented to do so can meet government guidelines regarding social distancing, and health and hygiene measures. We would also suggest you check with your insurance companies to ensure your insurance cover remains unchanged. API have [produced](#) some clear helpful guidance which may help in your decision making regarding reopening play areas and also gives some ideas for signage.

Risk assessments for COVID-19

BHIB Councils Insurance have produced a new guide on risk assessment for COVID-19. The guide features guidance and information to help make risk assessments and directs to useful resources from

the government and the Health and Safety Executive, with specific details on how to adapt your risk assessments for COVID-19.

The guide also contains two templates designed especially for local Councils that will help start risk assessments. These can be adapted to the relevant needs of your Council. To view the guide and templates, please visit [here](#). For editable copies, please click on [council reopening checklist](#) and [general workplace risk assessment](#).

Reopening community centres

ACRE has provided guidance and helpful practical advice on reopening community centres and this can be found [here](#).

Heritage attractions

The Government has [issued](#) guidance on the reopening of museums, galleries and the heritage sector from 4 July.

Reopening High Streets Safely Fund

The government has provided [guidance](#) on the Reopening High Streets Safely Fund. Councils across England are to share £50m of additional funding to support the safe reopening of high streets and other commercial areas. The money will allow local authorities in England to put in place additional measures to establish a safe trading environment for businesses and customers, particularly in high streets, through measures that extend to the end of March 2021.

The six month rule and lack of Meetings

As you are aware, our advice has been and remains that no face to face meetings are held, but instead virtual meetings using an online platform are held to discuss matters that are unable to wait. As we are now over three months into lockdown, we are conscious that many Councils may not have had meetings for 3 or perhaps 4 months. We also know however that many Councils have held successful virtual meetings. As you are aware, there is scope within the legislation ([LGA 1972 s85](#)) for a Councillor to become disqualified from office if they fail to attend, or represent the Council, for a period of 6 consecutive months, without approval of the Council.

Case law has been established in Northern Ireland that this is only applicable if meetings are available to attend, however a similar case has not been decided under English law. This leaves Town and Parish Councils in England at a potential risk, if challenged, of all their Councillors being disbarred. This is ONLY the case if you have not held a meeting (either face to face or virtually) within the 6 month period, so it is unlikely to be an issue for many councils. The risk is potential and is not a certainty as it would need to be established under English Law, however it is probably not an issue that any Council wishes to be a test case for. We have therefore taken legal advice on behalf of our members and three options have been identified, which we have outlined below.

1. To work on the basis that the meaning of 'failed to attend' for the purposes of section 85 is that there can be no failure to attend until there has been a meeting which might have been, but was not, attended. This is the case that was established in Northern Ireland but has not been tested in England.
2. To approve any reason for failure to attend for say the next 6 months because of the Covid-19 situation so that there is no possibility that any of the Council's members cease to be members. This could be achieved by holding a remote meeting before the expiry of the 6 months. You would only need to ensure that the meeting was quorate and could have this as the only item on the agenda.

You would need to ensure that the meeting could be accessed by members of the public. Alternatively, the Clerk may have delegated authority under the scheme of delegation to approve reasons for failing to attend a meeting, or alternatively they may have an authority for emergency situations which this could be said to fall within. In these cases, the Clerk could approve any reasons for failure to attend for the next 6 months because of Covid-19.

3. A remote meeting must be held if you do not envisage being able to hold a meeting safely until restrictions are lifted, which could take you past the 6 months point. If you can hold a remote meeting as soon as possible which **all** members attend, subject to the date of last attendance for each member, that should stop any possibility of members falling foul of the six month rule.

It is the Parish Council's decision as to which option it takes, however option two provides the least risk to the Council.

Website accessibility

As Councils will be aware, there are changes required to website accessibility requirements from 23 September 2020 to comply with the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018. When the changes were announced back in 2018, we provided guidance and information on this and this can still be found on our website [here](#). NALC have now produced their own publication on website accessibility requirements. The requirement to comply with these regulations has not been amended due to the Covid-19 situation and therefore we would encourage all Councils who have not yet started to consider this to do so now in order to meet the deadline.

Farmers, landowners and rural businesses

The Rural Payments Agency has [updated](#) the guidance for farmers, landowners and rural businesses during the Covid-19 outbreak to include information about on-site visits to farms and food processing plants resuming.

Unauthorised Encampments

Please see our [website A-Z](#) for a new advice note under Encampments (Unauthorised) for guidance on the processes that need to be taken in these situations.

HALC services

Here at Hampshire ALC, we are continuing to work from home in line with Government guidelines. As we are not physically in the office the easiest way to contact us remains through the email addresses shown below. However, our phone is diverted to a mobile and calls are being answered.

Advice on council process, practice or legislation	advice@hampshieralc.org.uk
Queries relating to training	training@hampshirealc.org.uk
Queries in relation to payments	finance@hampshirealc.org.uk

Please be reassured that we will continue to provide support and guidance in this changing climate, in as timely a manner as possible to enable you to continue all the work you are doing in your communities.

Dawn Hamblet
Chief Executive
09.07.2020