

COVID 19 CRISIS - GOVERNANCE UPDATE (25 March 2020)

1. Further to the two briefing notes distributed during week commencing 16 March, 2020, I am now in a position to update you on the Welsh Government plan to introduce a temporary variation to governance law which will enable your Council to operate lawfully and safely during the period of the current national crisis.
2. I am in regular dialogue with senior officials in the Welsh Government about what the temporary variation will cover and am feeding in those issues being faced by Councils as they endeavour to manage their business during the current period.
3. I am advised that the Coronavirus Bill which is currently being considered in the UK Parliament will when passed provide for greater flexibility for local authorities to conduct their business in a lawful and safe way. It contains provisions which will enable the Welsh Government to make secondary legislation to amend existing requirements in respect of meetings and proceedings including the removal of the requirement to hold the Annual Meeting in May and enable remote attendance whilst retaining the principles of openness and accountability to the public. All community and town council meetings would be in the scope of the legislation i.e. Council and Committee meetings.
4. The Welsh Government are currently working on the development of the regulations so that after the Coronavirus Bill gets royal assent it will not be too long before the regulations and accompanying guidance will be published.
5. This may leave Councils wondering what action they should take in the interim period leading up to the publication of the regulations and guidance. To assist Councils during this interim period, I can advise you that guidance published by the National Association of Local Councils with whom we work with closely is as follows: -

'We are expecting government guidance on holding meetings remotely. In the meantime, if local councils decide to not hold meetings and take decisions by e-mail or other remote methods NALC feels it is likely that afterwards if there were a challenge that the courts will accept that exceptional times called for exceptional measures. In the absence of government guidance, we would suggest for now only taking decisions remotely for truly urgent issues. In this case, local councils should evidence their decision making as best they can, for example by asking councillors to confirm their votes by e-mail to the Clerk to keep as a record of the decision.'

Lyn Cadwallader
Chief Executive