

Other effects of the Coronavirus Act 2020 to how Lyneham and Bradenstoke Parish Councils Election function

Following the Coronavirus Act 2020 becoming law, a number of Statutory Instruments are coming into effect, these have both a direct and an indirect effect on how the Parish Council functions.

The following highlight the key changes that will be seen by the public.

They will remain in effect until the natural end of the applicable legislation, or may be extended by further legislation, or may be withdrawn by legislation, or may be further amended by legislation.

These changes are NOT our interpretation, they are changes laid out by law.

This list is NOT definitive as we are fully aware that further primary legislation (Acts of Parliament), secondary legislation (Statutory Instruments) or other legislation may come into law that may affect us as well.

Parish Council Governance Change

Under the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

The Parish Council is authorised to amend any Governance Documents, including Standing Orders, to ensure compliance with the above legislation. This has been implemented and will be reviewed at each change of legislation.

Meeting of the Parish Council

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1. Physical Meetings of the Parish Council are stopped. This is where the councillors meet in public buildings with members of the public in attendance.
2. Meetings may now take place 'virtually', this means that the Parish Council may hold meetings remotely and the regulations require all those in attendance to hear and be heard and where practicable, see and be seen.

3. This means that the Parish Council may use video-conferencing platforms, such as Zoom, Microsoft Teams or Skype (for example, there are certainly other options) and where councillors don't have the relevant technology to attend by video, there is an option to dial in by telephone.
4. The Parish Council is permitted to alter the frequency of, move or cancel meetings.
5. If the Parish Council alters alter the frequency of or cancel meetings, three clear days' notice of the meeting must be given (to members and the public) and the meetings must be open to the public.

Rights of the Public and Press

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 amend the requirements for the posting of notices and public access to the meeting.

- 1) Notices of meetings published on the council's website are sufficient to meet the requirements of the legislation.
- 2) The regulations enable the public and press to access meetings and associated documents by remote means and the website. It also confirms that where a meeting is 'virtually' accessible it is deemed to be accessible to the public even if they are unable to attend or engage.

Annual Parish Meeting

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 amend the requirements to hold the Annual Parish Meeting.

In usual circumstances, the Annual Parish Meeting of electors is held between 1st April and 1st June each year. At present, the new regulations on council meetings do not cover Annual Parish Meetings, therefore there is nothing permitting them to meet remotely. However, self-distancing guidance means that the Annual Parish meeting should not take place in person.

This means that the Annual Parish Meeting cannot take place now. In accordance with the above legislation, a Parish Meeting may now be called at other times so, therefore, such a meeting may be called at a later date. Depending on future legislation the Annual Parish Meeting may be a physical meeting or may be a virtual meeting, this is subject to clarification, legislation and guidance.

Annual General Meeting

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 amend the requirements to hold the Annual Parish Meeting.

In accordance with the above legislation, the Parish Council cannot hold an Annual General Meeting until May 2021 at the earliest.

The legislation allows for the current Chair and Vice Chair to continue in office either until May 2021 or until a rescheduled annual meeting, or on their resignation from post, whichever is the sooner.

Additionally, this means that the present incumbents of all committees, working groups and outside representation remain in place until May 2021 or until a rescheduled annual meeting, or on their resignation from post, whichever is the sooner.

Annual Accounts and Public Inspection of Account

The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 has amended the dates that annual accounts have to be finalised.

With effect the 30th April 2020 the finalisation date for the Parish Accounts for the current year has been moved to 30th November 2020, but the financial year will still remain the same and end on the 30th April 2020.

All accounts will now have to be internally audited, they must have been adopted by the Parish Council and must be signed off by the Chair of the Council, no later than the 1st September 2020.

The external Auditors will then finalise the Annual Audit no later than the 1st November 2020.

This now means that the dates for the Annual Governance and Accountability Return (AGAR) and the annual public inspection of accounts and associated documentation has now changed. As a result, the window for public inspection of the accounts and associated documents will now commence on or before the 1st of September 2020 and last for 30 working days.