

COUNCIL  
19 MARCH 2020

Report of the Head of Corporate Services

## **BUSINESS CONTINUITY DURING PEACETIME EMERGENCY**

### **PURPOSE OF REPORT**

To consider extending delegated authority to make urgent decisions, on a temporary basis, to ensure business continuity during peacetime emergency situations.

### **RECOMMENDATION**

1. That meetings of the Policy Committees are temporarily suspended and that the Chief Executive, and/or relevant Corporate Leadership Team member, be delegated authority to deal with urgent matters within the purview of the two policy committees with immediate effect, in consultation with the appropriate Policy Committee Chairman, Vice-Chairman and the relevant Ward Member(s) (if subject is Ward specific).
2. That meetings of the Planning Committee are temporarily suspended and that the Principal Planning Officer, Development Manager and Head of Regulatory Services be delegated authority in consultation with the Chairman of the Planning Committee and relevant Ward Members to determine planning applications that would otherwise fall outside the timescale for determination, subject to the assessment of risk on significant planning applications as set out in the report.
3. That all Licensing functions except alcohol, employment and gambling be delegated as follows:

Subject	Officer
Taxi and private hire vehicle matters	Licensing Manager/Head of Regulatory Services
Tree Preservation Orders	Development Manager/Head of Regulatory Services

4. That Council continues to exercise its reserved powers until such time as legislation permits decision making by remote involvement of Councillors and that formal meetings are called only in exceptional circumstances.
5. That the Chief Executive and/or the Head of Corporate Services be delegated authority to formulate proposals to introduce alternative means of participation which may be provided for to deal with the current emergency situation.

6. That any matters dealt with by officers, wholly as a result of the authority conferred by these resolutions, be reported for information to elected Members via email and published as a public record where appropriate.

## **WARDS AFFECTED**

All

## **STRATEGIC LINK**

This report recommends steps which will enable the Council to continue to delivery key public services. It therefore relates to all Corporate Aims and Objectives and could be used in furtherance of any of them, according to the circumstances.

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## **1 REPORT**

- 1.1 As the nation responds to the need to minimise the effect of the outbreak of Covid. 19, the District Council needs to be in a position to make important decisions at speed to ensure that it continues to delivery key public services. The Council also has a duty to protect the health of its staff and elected Members and not to place any individual at higher risk for the want of contingency arrangements.
- 1.2 Whilst the Government considers appropriate steps to remove the legislative requirement for elected Councillors to be present in the meeting chamber, there are operational matters which can be delegated to officers, to avoid the need for public meetings and to speed up decision making generally.
- 1.3 In line with arrangements made in the run up to local government elections this report seeks delegated authority to officers to enable the District Council to continue to exercise its functions. For the most part, sufficient authority is vested in the Corporate Leadership Team, to enable routine business to continue without reference elsewhere. It would be prudent however to ensure that there is the facility available if needed, to adequately deal with emergencies and to take essential urgent decisions and to avoid all unnecessary public meetings. This report recommends that extended and temporary officer delegations are put in place.
- 1.4 **Development Management**

Part 4 of the Council's Constitution details quite extensive delegation arrangements but it is considered prudent to make particular arrangements to deal with planning applications which would normally be determined by the Planning Committee. If no specific arrangements were made to deal with planning applications during the civil emergency, then those submitted during the foreseeable future would remain undetermined for longer than the statutory 8-week period and for no reason other than the fact that the Council had not made alternative arrangements.
- 1.5 The principle of delegation is that the Officer makes the decision based on their professional judgement by balancing material considerations. The officer decision must not be fettered by elected Councillor opinion, but that does not mean that they

cannot give weight to the views of ward members. Consultation will therefore continue with Ward Members prior to a decision being made.

- 1.6 The law also provides for an Officer to decline making a decision which may be so significant that the public would expect that decision to be made by elected Members. Examples of such applications would include major applications which have attracted significant opposition. In these situations a risk assessment will be undertaken by the Development Manager, and a meeting of the Committee will be called if a delay would otherwise give rise to an appeal by the applicant for non-determination. Such matters will be dealt with on a case by case basis with the over-riding principle, that the majority of decisions will be determined speedily and effectively by Officers during this difficult time.

### 1.7 Reserved Powers

Similarly it is suggested that the Council makes arrangements to make urgent decisions using extended and temporary officer delegation arrangements for all other items of the Council's business not specifically reserved to Council. The matters that will remain reserved to Council and are not intended for delegation by Officers is attached at Appendix A.

### 1.8 Regulatory Functions

Some regulatory business in terms of decisions affecting the rights of individuals cannot be delegated to officers and meetings must be held to accord with legal timescales. It will be necessary therefore for the Licensing and Appeals Committee to meet in relation to alcohol, employment and gambling matters. Taxi and private hire matters can however be delegated to avoid the need for a hearing. The recommendation includes such delegation provisions for the first time.

### 1.9 Reporting

Any matters dealt with by officers will be formally recorded and published for information to Councillors via email and for the public on our web site as soon as practicable.

## **2 RISK ASSESMENT**

### **2.1 Legal**

The delegated authority provisions in this report are empowered by Section 101 of the Local Government Act 1972. The risk is therefore low and the actions taken by the Council are proportionate in order to ensure effective continuance of business and protect the health of employees, elected Members and the public alike.

### **2.2 Financial**

There are no financial risks arising from this report.

**3 CONTACT DETAILS**

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**4. BACKGROUND PAPERS**

None

**5. APPENDICES**

Appendix 1 – Reservation of powers to Council