

COUNCIL
12 MAY 2020

Report of the Director of Corporate Services

BUSINESS CONTINUITY DURING PEACETIME EMERGENCY

PURPOSE OF REPORT

To report back on urgent decisions taken during the current emergency situation, and to consider the establishment of an Emergency Committee to ensure transparent decision making in the short terms, whilst the nation is in lock down and social distancing is of paramount importance.

RECOMMENDATION

1. That decisions taken by Officers using enhanced delegation arrangements approved by the Council on 19 March 2020, and set out in Appendix 1, are noted.
2. That Council continues to exercise its reserved powers as set out in the Constitution by remote involvement of Councillors and that formal meetings are called only when required.
3. That for matters currently defined in the Council's Constitution to be dealt with by Council, which are not legally reserved to itself, those matters are discharged to an Emergency Committee comprising 8 members based on political proportionality:

No. on Committee	Conservative	Liberal Democrat	Labour	Green	Independent
8	4	1	1	1	1

4. That meetings of the two Policy Committee continue to be temporarily suspended, and that all urgent decision making within the remit of the policy committees is discharged to the Emergency Committee as provided for above.
5. That the terms of reference for the Emergency Committee be approved as set out in Appendix 2.
6. That meetings of the Planning Committee continue to be 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 for determination.

7. That meetings of the Planning Committee are convened to deal with exceptional business where there are significant planning applications which attract significant public opposition, and where public participation is desirable.
8. That the Licensing Committee meets as and when required to deal with matters not subject to delegation to Officers.

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.

1 REPORT

- 1.1 Delegation arrangements were approved by the Council at its extraordinary meeting on 19 March 2020, to enable urgent decision making by Officers on important matters. As the nation faces a further period of 'lockdown' and the need for social distancing continues, consideration has been given as to the appropriateness of continuing with officer delegation with limited consultation requirements.
- 1.2 Whilst the future remains uncertain, this report attempts to address the need for elected member involvement in urgent decision in an effective and pragmatic manner. The proposal is for a proportionate response, recognising that business is not back to 'normal' with many staff having been redirected to priority projects aimed at helping communities and businesses. Maintaining a full programme of meetings in these challenging times is not possible. However the need for transparency and for democratically elected members to resume their role as decision makers is vitally important.
- 1.3 The following paragraphs deal with each recommendation in turn.

2. COUNCIL FUNCTIONS

2.1 Reserved Powers

There are legal requirements which specify matters which only Council can discharge and where officer delegation is not permissible. The type of decisions required are cyclical and major by nature e.g. setting the Council Tax and budget. These types of decisions are time constrained and can be planned in the main. It is therefore recommended that Council meets as and when required to deal with these matters.

2.2 **Non –Reserved Powers**

There is a level of decision making currently dealt with by Council, which could be discharged elsewhere. These decisions focus on strategic decision making, policy development and use of strategic reserves. It is recommended that this level of decision should not be delegated to Officers but may be required to enable the District Council to respond in an emergency situation. The proposal here is to create an Emergency Committee which can be called upon when required when the situation dictates as described below.

3. **EMERGENCY COMMITTEE**

3.1 The concept of the Emergency Committee is to enable the return to democratic and transparent decision making on matters that require urgent attention. Based on the principles of the new Regulations, meetings of the Emergency Committee will become virtual meetings, which will see the return of public scrutiny and ensure greater transparency in decision making. It is further recommended that the Emergency Committee sits in the Constitution as a non-standing committee, but one which can be brought into use at any time in the advent of an emergency situation. For the most part the Committee will be dormant, but with provisions for the Chief Executive to resurrect the Committee by calling meetings when required. Membership of the Committee will be based on political proportionality and in the event of a change in political group strength, the membership will be amended accordingly.

3.2 The suggested terms of reference for the committee are set out in Appendix 2 which includes non-reserved powers of Council as described above, but also any matter that would ordinarily be dealt with by the two Policy Committees. Full and balanced reports will be prepared by Officers and decision making will be open to public scrutiny.

3.3 It is not intended to schedule meetings of the Emergency Committee, but to use it as a functional tool as and when required. The rules on admission of the press and public require that there be the customary notice period where practicable and all open business will be streamed live onto our public YouTube Channel.

4. **PLANNING COMMITTEE**

4.1 The current delegation arrangements are recommended to continue for a further period whilst the lockdown arrangements are in place. 44 applications have been received since enhanced delegation arrangements began and 100 applications have been determined, 2 of which were determined under the extended delegation arrangements. The number of new applications received over this period is lower than in previous years, with the average number of applications received during the same period over the past 3 years being 94. A similar level of reduction has been seen in pre-application advice submissions. This is perhaps not surprising and officers will continue to monitor the situation. Development Management staff are continuing to work on existing and new applications, but have amended their working practices to maintain social distancing and avoid unnecessary travel.

4.2 A return to a state of normality with the Planning Committee is recommended to coincide with a relaxation in social distancing. As planning is the District Council's number 1 service in terms of public participation at meetings, consideration has to be given as to how to address this in terms of a multi-channel approach. Whilst technology is evolving and the District Council's experience of it is still very much in learning mode, it is recommended to continue with the risk based approach to calling meetings. The factors to be considered include the number of objections; scale of the planning application, and the likelihood of being able to embrace and acknowledge the strength of public feeling via Public Participation in a safe and managed way. It will be noted that Public Participation in its current form is recommended to be suspended and replaced with information provided in advance rather than delivered in person (virtual or otherwise).

2 RISK ASSESSMENT

6.1 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.

6.2 Financial

There are no financial risks arising from this report.

3 CONTACT DETAILS

Sandra Lamb, Director of Corporate Services, telephone: (01629) 761281
or email: sandra.lamb@derbyshiredales.gov.uk

9 BACKGROUND PAPERS

None

10 APPENDICES

Appendix 1 – Urgent decisions taken under delegated authority
Appendix 2 – Emergency Committee Terms of Reference