

COUNCIL  
2 JULY 2020

Report of the Director of Corporate Services

## **DECISION MAKING RECOVERY PLAN**

### **PURPOSE OF REPORT**

To agree the resumption of decision making through the full committee system.

### **RECOMMENDATION**

1. That decision making as discharged by Council to its policy Committees resumes in accordance with the agreed calendar of meetings following the Annual Meeting on 22 July 2020.
2. That meetings of the Planning Committee are called when required by the Chairman of that Committee prior to the Annual Meeting and thereafter in accordance with the programme of meetings.
3. That to safeguard all Committee members and employees alike, group site visits are suspended until such time as the law permits such events and that photographic or video footage is presented where the relevance of on-site characteristics are required to enable robust decision making.
4. That the interim scheme of Public Participation, agreed by Council on 12 May, continues until such time as the law permits the Council to invite submissions in person.
5. That the extended scheme of delegation to officers on Licensing matters expires on 22 July and all matters requiring a decision are put before the Licensing Committee, or sub-committee as appropriate.
6. That all meetings of the Council and its Committees continue to operate on a virtual platform until such time as the law permits meetings in person or a combination of in person and virtual.
7. That the Emergency Committee reverts to a non standing committee from 22 July, 2020 and is only called to stand when appropriate in accordance with the agreed terms of reference.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective decision making structure, which is based on a democracy, underpins the Council's ability to fulfil its Corporate Plan.

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## **1 BACKGROUND**

- 1.1 At its meeting on 12 May, the Council agreed to suspend normal business through the Committee system and established the Emergency Committee to deal with

urgent decision making during the Covid, 19 pandemic. The Committee has met on 3 occasions to date to deal with significant issues in adapting policy and procedures as necessary during these challenging times.

- 1.2 Public Participation as prescribed in the Constitution was also suspended and an interim scheme approved in its place to provide a means of engaging with the public by remote means, without disadvantaging those without access to technology.
- 1.3 Meetings of the Planning Committee were similarly suspended but with authority delegated to Officers and the Chairman of the Committee to call a meeting when required to deal with “significant planning applications which attract significant public opposition, and where public participation is desirable”. A meeting has not been required to date but arrangements need to be agreed.
- 1.4 This report deals with a recovery plan to bring about the resumption of business within safe and lawful parameters.

## **2 CONSTRAINTS**

- 2.1 Resumption of ‘normal’ business’ needs to comply recent legislation. The Police and Crime Panel Meetings) (England and Wales) Regulations 2020 enable a local authority to convene meetings virtually using appropriate technology, provided that the technology permits the participants and the public at large to hear, and preferably see the proceedings. Meetings of the Council and the Emergency Committee have been successfully held using that technology and are permitted to do so until 7 May 2021 (subject to any change or extension of that power).
- 2.2 The lawful principles guiding meetings in person is covered by the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (“the Regulations”) as amended (most recently) by the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020. These Regulations prescribe that during the emergency period, unless certain conditions apply, no person may participate in a gathering which takes place in a public or private place indoors, consisting of two or more persons. An indoor gathering is defined as being in any place for any purpose. And, following the receipt of legal advice, meetings of a local authority do not warrant any exemption to the provisions. There is no exception of the 2 metre rule, whereby the Government has advised people to keep 2 metres apart to reduce the chances of infection. The Regulations refer to no such rule.
- 2.3 The concept of a hybrid meeting where a number of Councillors might convene in the Council Chamber whilst others participated at home is therefore not lawful. By the same token members of the public are not allowed to assemble indoors to take part in a meeting, except with members of their own household at home.
- 2.4 The final pieces in the jigsaw to consider relates to an individual’s choice given that some Councillors may wish to protect themselves from unnecessary exposure to others and the number of people that may assemble outdoors whilst social distancing. That number is 6. This is particularly relevant to site visits that may be required in order to fully assess a planning application.

### **3 WAY FORWARD**

3.1 With all those constraining factors, consideration has been given as to how to reintroduce a sense of normality to decision making through the full Committee structure.

#### **3.2 Meeting Format**

The 2020 Regulations referred to in the opening paragraphs which restrict the number of people allowed to meet internally last until September 2020. All meetings will therefore be run on Zoom until such time as the legislation permits otherwise.

#### **3.3 Council Meetings**

Two meetings of Council have been held since the restrictions were imposed and are recommended to resume the 6 weekly pattern of business given that Council needs to address decision making in a timely manner and specific items cannot be delegated. The 6 weekly cycle is recommended to commence after the Annual Meeting on 22 July 2020

#### **3.4 Emergency Committee**

The Emergency Committee has met on 3 occasions since its inception to deal with significant matters that required an urgent response to review current policy/procedure and to approve additional finance to deal with the emergency situation. It has not been required to deal with routine business of the Council or the policy committees and it is envisaged that the emergency workload will reduce significantly in the coming weeks and is recommended to revert to a non standing Committee at the Annual Meeting.

#### **3.5 Policy Committees**

The Corporate Timeline of decision making has been reviewed and it is considered that the resumption of normal business can be accommodated within a regular 8 weekly cycle from the Annual Meeting.

#### **3.6 Planning Committees**

There may be a need to convene a meeting of the Planning Committee before the date of the Annual Meeting to determine a small number of applications, which have attracted significant opposition. The format of the Committee is currently being considered in terms of replicating for the public's benefits, key information which will aid their understanding of the matter under discussion and as a guide for members of the Committee. It is therefore recommended that the need for meetings prior to the Annual Meeting are left to the Chairman's discretion to call (on officer advice) and then revert to a regular meeting pattern following the Programme of Meetings set at the Annual Meeting.

#### **3.7 Licensing**

Interim delegation arrangements were approved at the 12 May meeting to avoid the need to hold hearings for taxi and private hire vehicle matters. It is considered that

by using video technology those matters can now be brought back for Councillors to determine under the remit of the Licensing Committee.

### 3.8 Public Participation

The interim Public Participation scheme is recommended to continue until such time as members of the public have the ability to observe meetings in person. This is considered to be the fairest means of treating everyone equitably and not disadvantaging anyone without the technology to participate remotely. It would also shorten the meeting duration whilst proceedings are being streamed live.

3.9 The interim scheme offers a distinct advantage in that the public are now requested to formulate their question in advance and receive an answer in the majority of occasions. Compared to the existing scheme which relies on a certain amount of spontaneity where the public can ask whatever they like without notice of line of questioning. The interim scheme also allows Committee members to consider the issues in advance of the meeting, rather than attempt to take on board issues on the night.

## 4 RISK ASSESSMENT

### 4.1 Legal

The content and recommendations of this report reflect the current legislation regarding Virtual meetings. The legal advice is therefore low.

### 4.2 Financial

The additional costs of videoconferencing software can be met by savings in travel expenses. The financial risk is therefore assessed as low.

## 5 CONTACT DETAILS

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