



<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
Peter Foulsham, Democratic Services and Scrutiny Manager	The Leader of the Council, Cllr David Henderson and the Chief Executive, Garry Payne	30 September 2020

<b>Extension to the Emergency arrangements resulting from the COVID-19 Coronavirus Pandemic</b>
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## **1. Purpose of report**

- 1.1** To ensure that executive decisions and certain non-executive decisions (as outlined in the report below) can be delegated to officers using emergency powers invoked during a major incident.

## **2. Outcomes**

- 2.1** The ability for the council to continue to make all necessary decisions during this unprecedented period of disruption owing to the current global pandemic.

## **3. Recommendations**

- 3.1** That the Chief Executive's decision in April 2020 to declare a major incident for Wyre under the Civil Contingencies Act 2004 and invoke the powers under this legislation and those in cases of emergency or disaster, as referred to in the Council's Constitution in Part 7.02/2 paragraph 5 continues to be effective and is noted.
- 3.2** That the delegations set out in paragraphs 5.1 of the report be noted until 31 March 2021 at which point a further review will be carried out by the Leader and the Chief Executive unless otherwise reviewed early. This will allow for a recovery period during which the operation of the council can return to normal.
- 3.3** That the steps taken by the Chief Executive at 5.2 regarding non-Executive decision-making be noted.

## **4. Background**

- 4.1** The COVID-19 virus outbreak requires a significant and unprecedented national response. This ongoing situation is already having a profound impact on the day-to-day life of individuals and the operation of businesses and other organisations in the borough. The council and its democratic and decision-making arrangements have also been affected and it is with this in mind that the report has been prepared.
- 4.2** In April, the Chief Executive declared a major incident in Wyre and this report sets out the business continuity arrangements for the discharge of the council's Executive and certain Non-Executive Functions as we enter the second wave of the pandemic.
- 4.3** In light of the Government's requirements about gatherings and the need for social distancing it is not always appropriate to hold meetings where individuals are required to be physically present, be they councillors, officers or members of the public. However, decisions will still need to be made in order to ensure continuity of service.
- 4.4** Changes to legislation referred to in the previous report dated 22 April 2020, allow for the holding of virtual council meetings and these were formally incorporated into the Council's Constitution at the Full Council meeting on 17 September 2020. Unfortunately, despite the successful virtual Full Council meeting in September, the implications of switching from emergency decision-making to a normal calendar of meetings, even virtual ones, as we move into a second wave of the virus is such that this will not always be feasible. A review of resource requirements and lessons learned from the first wave has been undertaken and this report sets out the arrangements for decision-making in the interim period until the end of March 2021 unless otherwise reviewed.
- 4.5** The aim of the report is to allow for flexibility in decision-making during the next six months as the full implications of the second wave are not yet known. Each decision-making body has been reviewed and the following resource priorities identified:
- Full Council – following the successful meeting in September, virtual meetings to be held but only when a decision is required to be made e.g. the Budget meeting. Executive Reports will not be produced during the stated period.
  - Cabinet - virtual meetings, using the approach taken to Full Council in September, to be trialled from October. The emergency measures utilised under the first wave will remain as a fall-back option should the need arise and this will be a decision for the Chief Executive. Owing to the need to maintain the pace of decision-making during the pandemic it is possible that a combination of the two approaches will be necessary and decisions made on a case-by-case basis, either by the next suitable Cabinet meeting or the Chief Executive in consultation with the Leader and Deputy Leader under emergency powers.

- Planning Committee – virtual meetings, using the approach taken to Full Council in September, to be trialled from October. However the emergency measures utilised under the first wave will remain as a fall-back option should the need arise and this will be a decision for the Chief Executive.
- All other meetings to be held on a virtual basis unless otherwise outlined below.

**4.6** Following the announcement made by the Prime Minister on 21 September that a second wave of the coronavirus is imminent it is unclear at this stage what further restrictions, in addition to the current local lockdown measures, may be implemented over the next six months and how these may impact on the council and its services. As such, this report has been drafted to allow for the resumption of ‘virtual’ meetings wherever possible but also to present the extension of emergency arrangements as a contingency should the need arise.

## **5. Key issues and proposals**

### **5.1 Executive functions**

The Leader of the Council is asked to note that the Chief Executive has declared that the major incident declared in April 2020 is still in existence and the following decision-making powers are delegated to the Chief Executive and Corporate Directors:

- Powers to take any decision on behalf of the Cabinet which can lawfully be delegated to officers, subject to the decision-taker, before taking the decision, having taken appropriate steps to consult and seek agreement from the Leader, or, in his absence, the Deputy Leader, or in the absence of both, any members of the Cabinet as considered appropriate by the decision taker.
- Such powers to last until 31 March 2021 unless otherwise reviewed.
- These powers to be used only if the trialled Cabinet meetings cease as a result of the second wave or if an urgent decision is required as determined by the Chief Executive.

### **5.2 Non-Executive functions**

The Chief Executive, using his emergency powers, has put in place the following set of provisions to allow decision-making to continue should it not be possible for meetings to be held. These delegations would always be subject to declarations of interests by officers so no officer will be able to make a decision where they have declared an interest in that decision. In addition, the delegations referred to below will be subject to any limitation in law on a particular decision-making function being delegated to an officer.

### **5.2.1 Planning Committee**

Virtual Planning Committee meetings to be trialled from October following the approach taken to Full Council in September. Where this is not feasible in the view of the Chief Executive, the following contingency arrangements will apply as they did between April and September 2020:

- That authority to determine any planning application, listed building consent and tree preservation order application that would otherwise have been decided at a meeting of the Committee be delegated to the Chief Executive (with the Head of Planning Services providing an advisory role) in consultation with the Chairman and Vice Chairman of the Planning Committee when both are available, and either if only one is available. Where relevant, Ward Councillors will also be encouraged to submit comments prior to planning applications being determined.
- Planning Committee meetings include previously undertaken site visits and it has always been recognised that such visits are an important part of members gaining a full understanding of the site and the relevant planning issues. The Head of Planning Services will arrange for photographs and a video of the sites to be made available, and the Chairman and Vice Chairman would be invited to separately visit the sites using the relevant maps provided, which would show appropriate vantage points.

### **5.2.2 Licensing Committee**

No additional delegations are proposed as there are legal limitations that prevent many licensing matters under the Licensing Act 2003, being delegated to officers. Any Licensing Act matter that needs to be decided will be dealt with by a meeting of the Licensing Sub-Committee, convened virtually. This approach has already been successfully trialled in the period April to September 2020.

Any urgent matters in respect of taxi licensing will be dealt with by the Head of Service or Corporate Director under existing delegated powers. New applications for driver badges, the most common committee referrals, are not being dealt with at the moment, so only urgent conduct matters involving existing licensees will be determined by officers.

### **5.2.3 Audit Committee**

Virtual Audit Committee meetings to be trialled following the approach taken to Full Council in September. Where this is not feasible in the view of the Chief Executive, the following contingency arrangements will apply as they did between April and September 2020:

That authority be delegated to the s.151 Officer, or Head of Governance, in consultation with the Chairman of the Committee or with the Vice Chairman if the Chairman is unavailable, to take decisions or make approvals as required.

#### **5.2.4 Employment and Appeals Committee**

No delegations are proposed. Given the nature of this committee it would not be appropriate to delegate authority to officers.

#### **5.2.5 Overview and Scrutiny Committee**

A reduced number of virtual meetings of the Overview and Scrutiny Committee (O&S) will be trialled following consultation between the Chairman and the Democratic Services and Scrutiny Manager. Meetings will only be held to consider specific work areas that support the key decision-making of the council e.g. the annual review of proposed Fees and Charges, Treasury Management and the statutory review of the Crime and Disorder Partnership.

Normal call-in procedures will apply from October 2020.

#### **5.2.6 Council**

No specific delegation proposed. Following the successful meeting in September, virtual meetings are to be held but only when a decision is required to be made e.g. mayor-making, the annual budget meeting and approval of the localised council tax support scheme. Where reports would only be for noting, no meeting will take place and Executive Reports will not be produced during the stated period.

If a situation arises that would normally require a decision of the Council as a matter of urgency then the Chief Executive can instead use the delegated emergency powers referred to in this report.

<b>Financial and legal implications</b>	
Finance	There are no financial implications arising directly from this report.
Legal	The delegations referred to in this report ensure that the Council can continue to make decisions and carry out its functions during the coronavirus pandemic.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

None