



Report of	Meeting	Date
The Leader of the Council, Cllr David Henderson, and the Chief Executive, Garry Payne	Cabinet	22 April 2020

Emergency arrangements resulting from the COVID-19 Coronavirus Pandemic

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 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 be noted.
- 3.2** That the delegations set out in paragraphs 5.1 of the report be noted until 30 September 2020 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.
- 3.4** That the emergency standing orders be amended to reflect the Remote Meetings Protocol and Procedure Rules as drafted by the Lawyers in Local Government (LLG) and Association of Democratic Services Officers (ADSO) at Appendix 1.

4. Background

- 4.1** The COVID-19 virus outbreak requires a significant and unprecedented national response. This 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** The Chief Executive has 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.
- 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** Recent changes to legislation allow for the holding of virtual council meetings (see the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392, which became effective on 4 April 2020). Unfortunately, despite the recent successful move to paperless meetings, the implementation of virtual meetings has not yet been undertaken and will require training and testing before it can be deemed a reliable option. As such this report sets out the arrangements for decision-making in the interim period until the end of September 2020 unless otherwise reviewed.

5. Key issues and proposals

5.1 Executive functions

The Leader of the Council is asked to note that 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 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 30 September 2020 unless otherwise reviewed.

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

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 licencing 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 is feasible given the small numbers of people involved and work already undertaken to facilitate virtual meetings of this Sub-Committee, the first of which will take place on 22 April 2020.

Any urgent matters in respect of taxi licencing 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

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

Meetings of the Overview and Scrutiny Committee, which is not a decision-making body, are suspended for the time being. However, the important role of scrutiny in a council with Executive arrangements remains and could be argued to be of heightened importance at a time when decisions are having to be taken without formal meetings of committees.

The Council's Constitution states that the call-in procedure set out in Part 4.05, paragraphs 13 and 14, shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. This will also apply in the present circumstances to decisions delegated to officers.

In order to maintain the principle that scrutiny provides checks and balances in an authority with Executive arrangements, any councillor will be able to raise concerns about any decision made whilst these emergency arrangements are in place, by contacting the Chairman or Vice Chairman of the Overview and Scrutiny Committee who will raise the matter with the Chief Executive or, in his absence, another member of the Corporate Management Team.

The Chief Executive and Leader of the Council (or if they are indisposed their senior representatives) will contact the two Opposition Group Leaders and the Chairman of the Overview and Scrutiny Committee weekly to brief them on the current situation affecting the council and any decisions taken or likely to be taken, seeking their views as appropriate.

5.2.6 Council

No specific delegation proposed.

Any meeting will need to be conducted using isolated seating in the Council Chamber with a quorum of members. Although the public have a right to access the meeting, they should be advised on the website and in the published meeting papers not to attend.

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.

Financial and legal implications	
Finance	The financial implications of future decisions cannot be quantified at this time but any decisions that have a budgetary impact will be made in consultation with the s.151 officer or their nominated deputy.
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.

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

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

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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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 – LLG and ADSO Remote Meetings Protocol and Procedure Rules.