

Report to: **Governance Committee**

Date: **21 April 2020**

By: **Assistant Chief Executive**

Title: **Coronavirus (Covid-19) temporary arrangements**

Purpose: **To consider proposed temporary measures in relation to Council meetings as a result of Covid-19 disruption.**

RECOMMENDATIONS

The Governance Committee is recommended to recommend the County Council to:

- 1) approve the approach in relation to Lead Member decisions being made virtually and to its continuation;**
 - 2) agree that the Leader will assume all the powers of the Cabinet where required as set out in paragraph 2.4 of the report;**
 - 3) agree the delegations to officers in relation to the functions of the Planning, Pensions and Governance Committees and the Discretionary Transport Appeal Panel as set out in paragraph 2.6 of the report;**
 - 4) agree that Member non-attendance related to Covid-19 be considered as an absence approved by the Council as set out in paragraph 2.8 of the report;**
 - 5) agree that the Chief Executive (or in their absence the Assistant Chief Executive) be authorised to cancel or postpone meetings, in consultation with the relevant Chair or Cabinet Member;**
 - 6) review these measures at the October 2020 meeting of the Council or as soon as practicable thereafter; and**
 - 7) agree to amend the Constitution accordingly.**
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1. Background

1.1 The current incidence of the Covid-19 virus both nationally and internationally is causing disruption to a wide range of business and social activity. Additional preventative measures have been introduced nationally to help contain the spread of the virus. This includes advice to individuals or groups to self-isolate for periods of time, and more general restrictions on travel and gatherings.

1.2 The spread of Covid-19 is therefore impacting upon the County Council's ability to hold its normal range of meetings in public. This issue has been recognised by Government and temporary regulations have been issued which relax a number of legal requirements on local authorities around physical access to meetings and papers and enable meetings to be held remotely, for example using video conferencing technology.

1.3 The regulations are broad and allow for councils to make specific local arrangements to suit local circumstances. This report outlines a range of proposed temporary measures to help enable the County Council's business to be conducted efficiently throughout the period of disruption due to Covid-19.

2. Supporting information

Executive decisions

2.1 It is legally permissible for a Lead Member to take a decision remotely and for the Leader to take most decisions which may normally be taken by Cabinet collectively. In light of disruption already experienced due to Covid-19 the County Council has implemented an approach to enable Lead Member to make decisions remotely, but in a transparent way that allows continued engagement, to enable decision making to continue as required. This approach which will be developed when feasible to include remote public access.

2.2 For the avoidance of doubt it is proposed that, in so far as such approval is required, Council approves the approach that has been taken and that this should continue.

2.3 The current practice of publishing an agenda and publicly available report continues in the usual way, and Members are able to make representations via email and/or video conferencing to the decision maker.

2.4 It is also proposed that the Leader (or in their absence the Deputy Leader) will assume responsibility for all the powers of the Cabinet in order that decisions can be taken if the Cabinet cannot meet or is not quorate due to Covid-19 related disruption.

Non-Executive decisions

2.5 The national regulations also allow for remote meetings of Non-Executive bodies to take place via internet, telephone or video conferencing. The County Council will aim to arrange virtual meetings of relevant bodies where required to enable core business to continue. However, there is potential for practical, health or capacity related constraints to limit the Council's ability to hold virtual meetings. It is therefore prudent to put in place delegations to officers which can be used where considered necessary.

2.6 In circumstances where the committees set out below are, in the view of the Chief Executive (or in their absence the Assistant Chief Executive) in consultation with the Chair of the relevant Committee, either unable to reasonably conduct necessary business by meeting virtually, or are inquorate, or the business of the meeting is not suited to a virtual meeting it is proposed that the following delegations be agreed:

- (i) In relation to the Planning Committee – to delegate the functions of the Planning Committee in so far as the law allows to the Director of Communities, Economy and Transport, in consultation with the Chair of the Committee.
- (ii) In relation to the Pensions Committee – to delegate the functions of the Pensions Committee in so far as the law allows to the Chief Operating Officer, in consultation with the Chair of the Committee.
- (iii) In relation to the Governance Committee – to delegate the functions of the Governance Committee in so far as the law allows to the Chief Executive, in consultation with Group Leaders.
- (iv) In relation to the Discretionary Transport Appeal Panel - to delegate the functions of the Discretionary Transport Appeal in so far as the law allows to the Chief Executive, in consultation with the members of the Panel.

Any decisions taken by officers under these delegations will be reported to the next meeting of the relevant committee or panel.

Member attendance

2.7 Covid-19 may impact on Members' ability to attend Council meetings either due to them being personally affected or due to general disruption or suspension of meetings. This may in turn result in Members becoming at risk of failing to meet attendance rules which require a minimum attendance at meetings of once every six months. The national regulations allow for Members' attendance at a virtual meeting to be counted for the

purposes of attendance rules. However, there may be factors which prevent a Member participating in a virtual meeting and thus continuing to be at risk of non-attendance.

2.8 To prevent any Member being at risk due to non-attendance as a result of Covid-19 it is proposed that non-attendance due to: being diagnosed with Covid-19; self-isolating due to suspected Covid-19; self-isolating in order to reduce the risk of contracting or passing on Covid-19; or as a result of following Covid-19 related guidance from Government be considered as absence for a reason approved by the Council in relation to attendance requirements.

3. Conclusion and reasons for recommendations

3.1 The Committee is recommended to recommend the County Council agrees the range of measures outlined in this report in order to enable the Council's business to be conducted during the period of disruption due to the Covid-19 virus. Although temporary national regulations allow for the holding of remote meetings and this will be implemented where possible, there are likely to be practical and capacity constraints which will place unavoidable limitations on the holding of meetings during this period. It is proposed that the Chief Executive (or in their absence the Assistant Chief Executive) be authorised to cancel or postpone meetings, in consultation with the relevant Committee Chair or Cabinet Member.

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BACKGROUND DOCUMENTS

None