

## **URGENCY ITEMS - MINUTE OF DECISION**

### **Delegation arrangements for dealing with matters of urgency**

Paragraph 7.3.1 of the Council's Constitution provides that the Chief Executive has delegated powers to take all such actions he considers appropriate in an emergency (as defined by the Chief Executive), including power to make or approve any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency.

**Subject: Coronavirus Pandemic Emergency**

**Appropriate Committee: Full Council**

**Details of Item** (including reason(s) for use of urgency procedure):

This note sets out how the District Council will take forward various aspects of its decision making for the period that social distancing applies during the coronavirus outbreak.

The Government has made Regulations (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020) relaxing the legal provisions around council meetings, which currently require them to take place at a particular place and with people attending in person. These new regulations allow all meetings to take place remotely by electronic means. The Regulations provide for the conduct of local authority meetings held between 4 April 2020 and 7 May 2021, and for public and press access to these meetings. The Regulations apply to all tiers of local authorities, from parish and town councils to districts and county councils.

### **ANNUAL GENERAL MEETING – 12 MAY 2020**

The Regulations specifically allow councils to postpone Annual General Meetings (AGM) in 2020 and allow any appointments normally made at that meeting to continue until the next AGM or until such earlier time the council decides. Whilst it would be technically possible to conduct a full council meeting remotely using electronic means, it would be very challenging and cumbersome to run a meeting of 39 Members at the same time ensuring a fair and inclusive debate, recording votes in an open and publicly transparent way, and facilitate questions by the public.

The decision has therefore been taken, that the AGM scheduled for 12 May 2020 will be cancelled and all existing appointments will continue until the following AGM to be held in May 2021. In addition, full council meetings will not be held whilst the social distancing requirements associated with the coronavirus pandemic are in place, but clearly this will require regular review.

### **COMMITTEE MEETINGS**

It has also been decided not to hold committee meetings unless there are specific pressing items of business that need to be determined. Although the Regulations allowing remote meetings are now in place, at a time when council resources are increasingly stretched there is the need to avoid the emergency legislation adding to and not reducing the burden. Currently significant officer resource

has been diverted to supporting the community during the health crisis and it would be extremely difficult to service the normal committee cycle. However, it is considered that the Planning Committee and any required Licensing Hearings meetings should continue to be held remotely via electronic means in order to facilitate decision making on applications received by the Authority. During regular briefings with the Secretary of State, he has emphasised the need for local authorities to continue to facilitate the planning and licensing processes in order to sustain economic activity within their areas.

The decision not to hold committee meetings (with the exceptions as indicated) will cover the June cycle of meetings as a minimum. This decision will be kept under review to ensure it is still warranted and will be revisited following the end of the June committee cycle.

### **OFFICER DECISIONS**

Under the Council's Constitution, (Part Two, Paragraph 7.2.1) Chief Officers have delegated powers to take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken prior to the time when such action could be approved through normal council procedures. Where they do so they should first consult with the Leader, and Chairman, and the Opposition Spokesperson of the appropriate committee. During the current health crisis, when it is likely that chief officers may have to utilise these delegated powers more frequently than under normal circumstances, the Group Leaders of the Labour, Independent and Liberal Democrat Groups will also be consulted.

Written records of decisions taken under these delegated powers will be kept by Democratic Services Business Unit in accordance with current practice. These will be circulated periodically to the members of relevant committees for information and will also be available for other members to access via the Member Extranet and published on the website.

### **MINOR VARIATIONS TO THE CONSTITUTION TO REFLECT REGULATIONS**

The Monitoring Officer has delegated powers to make minor variations to the Council's Constitution, which are required to reflect legislative changes. She will therefore ensure that changes are made to the Constitution, albeit temporarily, to reflect the changes brought in by The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

### **Summary of Decisions**

In the current health emergency (and for the reasons given above) the Chief Executive has taken the decision using his delegated powers under Paragraph 7.3.1 of the Constitution, to:

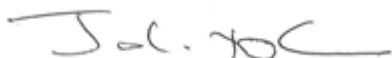
- Cancel the Council's AGM on 12 May 2020 (with all Member appointments being carried forward to May 2021);
- Subject to regular review, to suspend all scheduled full council meetings during the period that the Government's social distancing requirements continue;
- Suspend all scheduled committee meetings in the June committee cycle unless there is pressing business to be determined by a specific committee – with the exception of Planning Committee and Licensing Hearings, which will be held as necessary remotely using electronic means. This decision to be kept under review and revisited following the June committee cycle; and

- Temporarily broaden the provision contained within Paragraph 7.2.1 of the Constitution requiring Chief Officers to consult with the Leaders of the other groups on the Council in relation to urgent decisions.

**Members Consulted:**

This decision was taken following consultation with and the agreement of: the Leader of the Council; Deputy Leader of the Council; Chairman and Vice-Chairman of the Council; Group Leaders of the Labour, Independent, and Liberal Democrat Groups; and the Chairmen and Vice-Chairmen of all committees [during week commencing 6 April 2020].

Signed:

A handwritten signature in black ink, appearing to be 'J.C. [unclear]', written over a light blue horizontal line.

Chief Executive  
Newark & Sherwood District Council

Dated: 14 April 2020