

REPORT TO	ON
BRIEFING FOR ALL MEMBERS OF THE COUNCIL	1 APRIL 2020



TITLE	PORTFOLIO	REPORT OF
COVID 19 PANDEMIC – COUNCIL DECISION MAKING AND INFORMATION SHARING	LEADER	DIRECTOR OF GOVERNANCE

Is this report a KEY DECISION (i.e. more than £100,000 or impacting on more than 2 Borough wards?)	No
Is this report on the Statutory Cabinet Forward Plan ?	No
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	Yes
Is this report confidential?	No

PURPOSE OF THE REPORT

1. To update members on urgent decision-making functions and confirm arrangements for updating members and information sharing.

RECOMMENDATIONS

2. That the decision-making arrangements to operate during Covid -19 pandemic are noted.
3. That the proposed arrangements for providing updates to members and for sharing information are noted.

REASONS FOR THE DECISION

4. The recommendations enable the Council to comply with their obligations to residents and the public by providing robust and clear and transparent decision-making processes whilst at the same time reducing the need for public meetings which exacerbate the risk of spreading the virus.
5. In the absence of council meetings, clear processes should be implemented to ensure that information is shared appropriately with members.

EXECUTIVE SUMMARY

6. The Covid-19 pandemic has had a significant impact on how SRBC are able to discharge our functions both in terms of service delivery but also in our governance and

decision-making. The move from Contain to Delay has led to directions from central government to work from home where possible. The guidance is to ensure that vulnerable people are, so far as possible, protected from infection and to slow to manageable levels the spread of the infection across the country.

7. It is proper to consider what actions SRBC can take to support the delay agenda. To date, staff have been asked to work from home and arrangements have been put into place to enable this whilst ensuring the public continue to have access to services. This has been enabled through remote working and IT related solutions.
8. It is also right to consider the Council's decision-making processes to ensure that not only are the transparency and robustness of those processes protected but the health and well-being of the decision makers and the public is protected also. This report will outline not only the processes to be used but how they will operate in practice using existing and available solutions.

CORPORATE OUTCOMES

9. The report relates to the following corporate outcomes:

Excellence, Investment and Financial Sustainability	x
Health, Wellbeing and Leisure	x
Place, Homes and Environment	x

Projects relating to People in the Corporate Plan:

Our People and Communities	x
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BACKGROUND TO THE REPORT

10. The impact of the Covid 19 pandemic has been unprecedented in recent history. The approach of the government has been to slow as much as possible the spread of the virus with the dual aims of preventing health services being overwhelmed; and providing additional time to develop a vaccine or treatment.
11. To support this approach this Council have sought to limit the need for public and face to face meetings, and, in line with government guidance, promoted working from home.
12. These actions serve to limit opportunities to communicate the virus but have an impact both on the council's decision-making processes and service delivery.
13. This report will set out how the Council will make urgent decisions moving forward both in terms of the decision maker and process; and how in the absence of council meetings information will be shared with members.

DECISION MAKING

14. It is proposed to cancel all council meetings until further notice. This prevents decision making under the usual processes. The decision to cancel meetings is to assist in the Delay phase of the national response to Covid-19.
15. Standing Order 35 of the Council's Constitution provides for decision making arrangements in the event of urgency. In this instance, the urgency arises in relation to decisions to be taken where there are no scheduled meetings at which the decision could be taken.

16. The table below sets out how the decision is to be taken, the decision maker and consultation processes.

Function of which Body	Decision Maker	In Consultation with	Role of Chair of Scrutiny
Council Function	Chief Executive	Leader	Required to confirm that it is a matter of urgency
Cabinet Function	Chief Executive	Leader or Portfolio Holder	If Key Decision required to confirm urgency (in absence of Scrutiny Chair the Mayor may authorise) Non Key Decision not required but good practice to get the Chair of Scrutiny to confirm urgency –
Licensing - Taxi	Shared Services Lead – Legal/Deputy Monitoring Officer	Chair of Licensing Committee or relevant Portfolio holder	No need to liaise with the Chair of Scrutiny
Licensing Act 2003	National legislation prevails here. Panel of Licensing Committee required – urgent legislation is required here – IOL are lobbying on this		No need to liaise with the Chair of Scrutiny
Planning	Director of Planning	Chair of Planning Committee or relevant portfolio holder	No need to liaise with the Chair of Scrutiny

17. It should be recognised that central government have been lobbied to amend legislation to assist local councils to make clear and robust decisions and the above approach is subject to change. In particular, the legislation includes the following

“Local authority meetings”

(1) *The relevant national authority may by regulations make provision relating to—*

(a) requirements to hold local authority meetings;

(b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;

(c) the places at which local authority meetings are to be held;

(d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;

(e) public admission and access to local authority meetings;

(f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.

(2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.

(3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.

(4) The power to make regulations under this section includes power—

(a) to disapply or modify any provision of an enactment or subordinate legislation;

(b) to make different provision for different purposes;

(c) to make consequential, supplementary, incidental, transitional or saving provision.

18. In anticipation of the Regulations permitting virtual meetings (referenced in bold above), steps are being taken by IT to investigate options with a view to implementing this for April meetings onwards. Updates will be provided in due course.

19. A national approach to planning applications would also be welcomed.

DECISION MAKING – EXECUTIVE DECISIONS

20. Under the terms of the Constitution authority to make urgent Executive Decisions sits with the Chief Executive to be exercised in consultation with either the Executive Leader or relevant executive portfolio holder. In order to evidence that the consultation has taken place and provide ownership of the decision, the Executive Leader/Member consulted should countersign any written decision with the Chief Executive.

DECISION MAKING – FORM OF DECISIONS

21. Given the need for the decisions being exercised under the urgency provisions outlined above to be clear and transparent it is intended that, in all but exceptional circumstances, all such decisions will be supported by a report and a clear written decision. This is in line with current council meeting arrangements.

DECISION MAKING – USE OF TECHNOLOGY

22. As these decisions will not be made at public meetings it will be important to ensure that they are publicly accessible. It is intended to make full use of the Councils Modern.Gov system which will contain a complete record of all decisions made and the information provided to support them.

23. In order to comply with the working from home directive, it is not intended to either print nor deliver hard copies of any reports or decisions to members. All documents will be available electronically through Mod.Gov.

DECISION MAKING – CALL IN

24. Executive Decisions taken will not be subject to call-in, however, the Chair of Scrutiny will have considered the decision when agreeing to the exercise of the delegated power.

DECISION MAKING – MATTERS OF HIGH IMPORTANCE

25. It is recognised that some urgent decisions will be viewed as High Importance and will require a wider input from members. When the Council have progressed to implementation virtual / remote meetings, and where in the opinion of the Chief Executive after consultation with the Leader of the Council the decision should be taken at a meeting, arrangements will be made to hold such a meeting. Whilst every effort will be taken to ensure that the necessary publication of the meeting agenda will be undertaken, where the matter is urgent, such notice periods may be waived or reduced as required.

INFORMATION SHARING

26. In the absence of statutory council meetings it is proposed to hold the following briefings:-
27. Daily Leader Briefing; this will be a teleconference with the Leader and Deputy Leader, the Chief Executive and Deputy Chief Executive. Other Directors will be invited to dial in as required. This will ensure continued political oversight of council processes and decision making in addition to providing a daily, up to date briefing.
28. Weekly Cabinet Briefing; it is intended this will be primarily by written updates with teleconferencing meetings called as required.
29. Weekly Member Briefing; This will be a written briefing to all members, updating generally on council business and confirming any decisions taken or proposed to be taken.
30. The above arrangements are the minimum to be provided, additional briefings and meetings will be arranged as needed.
31. The use of technology is being investigated to enable all councillors to participate in remote briefings and question and answer sessions. More information will be provided on this as it comes forward.

There are no background papers to this report

There are no appendices to this report

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