

Subject:	Covid-19 and Democratic Decision-Making		
Date of Meeting:	19 March 2020		
Report of:	Executive Lead Officer for Strategy, Governance & Law (Monitoring Officer)		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 01273 291500
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Ward(s) affected:	All [If not All, insert affected wards]		

FOR GENERAL RELEASE

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason: given the rapid escalation of the situation with Coronavirus and having regard to government guidance, the Council needs to urgently put arrangements for Council and committee meetings..

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the report had to be compiled at short notice having regard to national developments.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report proposes arrangements for democratic decision-making over the next 4 months taking into account the risk posed by the Covid-19 pandemic but also preserves democratic accountability and compliance with legal requirements. The proposals have been developed with cross-party support follow consultation with Leaders Group.

2. RECOMMENDATIONS:

- 2.1 That Members note the risk that running Council meetings as usual poses and the need for a different approach;
- 2.2 That Members agree the proposals set out in paragraph 4.5, including the delegation of powers to officers to implement the outcome of virtual meetings under 4.5 (VIII) where they take place; and
- 2.3 That Members note the government's intention to consider changes in legislation to allow remote meeting and remove the need to hold annual Council on a temporary basis and that officers will review the situation and report back to members as necessary.

3. CONTEXT/ BACKGROUND INFORMATION

4. As Members are aware, the City, as with the rest of the country, faces serious and acute challenge with the projected spread of the Covid-19 pandemic. The situation has escalated significantly over the last three days with new guidance and advice from government and Public Health England. One of the areas of concern is the risk posed by large gatherings where people may spend time in close proximity for an extended period (15 minutes or more.) Meetings of full Council and committees therefore need to be considered to ensure that they are necessary and proportionate and that all steps are taken to minimise risk.
- 4.1 The Council operates a committee system based on the Local Government Act 1972. All decisions of the Council have to be made by full Council, a Committee, a Sub-Committee or an Officer. Unlike authorities that operate an executive system, there is no provision for individual member decision-making.
- 4.2 The Local Government Act 1972 also requires that all Member level decision-making has to be done with the members physically present in the chamber or committee room where the meeting takes place. There is no facility for remote attendance, remote voting or voting by proxy. All meetings of the Council have to be open and accessible to the public, except when considering exempt (confidential) business.
- 4.3 The government have issued a statement stating that they are considering introducing legislation that would allow remote attendance and remove the requirement to have annual Council meetings. It is not known when this will take place or what the exact provisions will be.
- 4.4 Between now and the end of July, the Council has 29 Council and Committee meetings and 6 Housing Area Panel meetings. In addition, we have 33 working groups that meet at various times. These taken collectively pose a significant risk and need to be managed in a responsible way. It is proposed that the Council adopts a prudent and proportionate approach that reserves democratic decision-making and accountability on the one hand but also minimises the risk posed by the spread of Covid-19. The Council does not have committee meetings in the month of August, although there are two provisional Planning Committee meetings scheduled in the meetings diary in case they are needed.
- 4.5 Having regard to the above, it is proposed that, for the period between now and September 2020:
 - (i) all working groups and Housing Area Panel meetings be suspended except those needed for exceptional reasons as agreed by Group Leaders;
 - (ii) that full Council goes ahead on 2nd April with only local plan part II, Transport for the South East, and the annual Statement of Pay Policy as the items for the agenda;

- (iii) That annual Council takes place on 14 May together with approval of Community Infrastructure Levy. It is proposed to make this a quick formal meeting with items agreed in advance. The ceremonial part of Mayor Making will take place in September.
- (iv) Where full Council meetings are called, Members are expected to use best endeavours to limit the number to meet the requirement for a quorum (14) or such higher number as may be agreed by the Groups. This will operate as a voluntary arrangement.
- (v) That Officers review all decisions coming up before committees to see if they need to go to committee and, if so, if they can be delayed until after the end of August. Leaders Group will be used to sense check items using the committee work plan.
- (vi) If decisions need to be taken but cannot be delayed, Officers will consider using Officer urgency powers having consulted the relevant Chair and Opposition spokespersons. . In exercising officer urgency powers, Officers will endeavour to reflect the wishes of the majority. All decisions taken using officer urgency powers will be published on the Council's website using the form shown in the appendix.
- (vii) Where it is considered that the use of officer urgency powers is not appropriate or the Chair of the Committee requires it, an urgency sub-committee will be called with the attendance of 3 members, one each from the 3 political groups, as per current arrangements;
- (viii) If, in the opinion of the relevant Chair, following consideration of advice from the Chief Executive or Monitoring Officer, none of the above are reasonably practicable, then a "virtual meeting" may take place between the chair and opposition spokespersons or, other members of the committee as suggested by the groups. The relevant Director for the subject matter will have delegated power to implement the recommendation of the meeting. This is without prejudice to existing delegated powers under the scheme of delegations to officers. Virtual meetings may take place by skype, tele conference or any other means that the Chair considers most appropriate. This will be reviewed depending on any legislation that may be introduced by the government.
- (ix) Attendance by the public will be restricted to the numbers that can be accommodated safely taking the advice from Public Health England. The public will be encouraged to watch proceedings via webcast and those wanting to ask questions, present petitions or deputations will be advised the need to minimise attendance in person and offered the option of questions, petitions, deputations being taken as read, receiving written responses.
- (x) It is proposed that the above proposals come into effect immediately. To the extent that the decision rests with this committee, they are binding. To the extent that the decision rests with others, it has the status of guidance or advice, but the expectation is that they are followed. A flowchart showing how the decision-making will work is attached as appendix 2 to this report.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Council has the option of continuing with the usual arrangements, but that will pose an unacceptable risk and, given the likelihood of a number of Members and Officers being affected, either because they are in a vulnerable group or an associated person being affected requiring home working or self-isolation, this is not workable. Having sought soundings, it is clear that there will be too many members affected to make this an option. The proposed approach strikes the right balance between preserving democratic decision-making and accountability and ensuring the risk is kept to a minimum.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 This was discussed at Group Leaders but there was insufficient time to consult with the public.

7. CONCLUSION

- 6.1 The proposed way forward is, in the opinion of officers, necessary and proportionate. It is recommended for implementation in the 4 months period with a review in September. It is also recommended that the situation be reviewed if and when legislation is made to remove some of the requirements under the Local Government Act 1972

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1

Finance Officer Consulted: Name

Date: dd/mm/yy

Legal Implications:

7.2 These are included in the body of the report

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 18/03/2020

Equalities Implications:

7.3 There are no adverse equalities implications arising from the report. By adopting the measures proposed, there will be a reduction in the risk to vulnerable groups many of whom are likely to have protected characteristics (for example age.)

Sustainability Implications:

- 7.4 By reducing the number of meetings and restricting attendance, there will be a reduction in travel much of which contributes to carbon emission. Some of the ways of working developed during the crisis period may also generate ideas for how we do business in the future to support the Council's climate change objectives.

Brexit Implications:

- 7.5 Given the immediacy of the challenge posed by Covid-19, some of the focus and resource will, of necessity, move away from Brexit preparations to helping the work on Covid-19.

Any Other Significant Implications:

Public Health Implications:

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- 7.7 There are well organised and planned steps being taken to minimise the risk from Covid-19. It is beyond the scope of this report to even try to summarise it. But the proposals in this report will make positive contribution to the council's overall strategy.

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SUPPORTING DOCUMENTATION

Appendices:

1. Officer urgency decision-making record template.
2. Decision-making flow chart

Background Documents

1. Council's Constitution

