

Brighton & Hove City Council

Policy and Resources Committee

Agenda Item 98

Subject: Covid-19 and Decision Making Arrangements

Date of meeting: 27th January 2022

Report of: Executive Director Governance, People & Resources

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report proposes arrangements for democratic decision-making over the next 4 months in response to the ongoing Covid-19 pandemic, taking into account the need to preserve democratic accountability and to achieve compliance with legal requirements.

2. Recommendations

2.1 That Committee agrees the arrangements for the implementation of enhanced officer delegated powers as set out at paragraph 3.4 of the report to take effect from the date of this meeting.

2.2 That Committee notes that the arrangements set out in recommendation 2.1 above will be kept under review and that a report will be brought back to Committee to consider whether the arrangements should be removed or extended in May 2022.

3. Context and background information

3.1 In May 2021, this Committee agreed arrangements relating to decision making during the pandemic which sought to balance the requirements for democratic decision making with the ongoing risk of the spread of Covid-19 infection presented by in-person meetings. This was following the lapse of the national Regulations which enabled virtual decision making to take place.

3.2 One of the measures put in place was an agreement for use of enhanced delegation to officers. These arrangements were kept under review. This Committee agreed to end the enhanced delegation arrangements from 1st August 2021, prior to the emergence of the Omicron variant.

3.3 As the current rates of Covid-19 infection are now high due to the Omicron variant, it is considered necessary to review again the decision making

arrangements and to identify any mitigation that can be put in place to reduce the risk of infection caused by lengthy, in-person meetings.

3.4 It is proposed that;-

- (1) Subject to first consulting with relevant Group Spokespersons, Executive Directors shall have enhanced delegated authority to make decisions on all matters related to their area of responsibility. This is in line with government advice and reflects the objective of reducing the need for and duration of meetings.
- (2) Executive Directors will consult the committee spokesperson from each political group, before exercising their enhanced delegated power. In determining whether to use enhanced officer delegated powers, the Executive Director will consider the views expressed by the committee spokespersons alongside consideration of the service impact, the financial implications and whether the matter is politically sensitive.
- (3) To facilitate consultation with members of all groups, such consultation may take place during committee pre-meetings, or separately if necessary.
- (4) A report will be produced in the usual way for the purpose of consulting members on a matter for decision and, if enhanced officer delegated powers are used, this will be reported for information to Policy & Resources Committee with a copy of the report published for information.

4. Analysis and consideration of alternative options

- 4.1 Where mitigations have been available, these have been implemented, such as the use of screens, the reduction of officer attendance and the management of public engagement sessions. A move to hybrid or fully virtual decision-making meetings would not be lawful. It is considered that reducing the number of items for decision on Committee agendas through the use of enhanced officer delegated powers will help to mitigate significant health and safety concerns.
- 4.2 It is proposed that there should be ongoing monitoring of the situation and if there is change in the law or better practice from elsewhere, we will keep the proposed arrangements under review, seeking member agreement as necessary. In any event, a further report will be brought to Committee in May 2022 to review the arrangements.

5. Community engagement and consultation

- 5.1 Given the short timescales and fast changing picture, it has not been possible to consult with the local community.

6. Conclusion

- 6.1 The proposals set out in the report provide a safe and proportionate way to proceed in view of the ongoing concern regarding Covid-19 infection rates.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. Any decisions made using enhanced officer delegated powers will be supported with a report that includes financial implications of the decision being made.

Name of finance officer consulted: James Hengeveld Date consulted: 110122

8. Legal implications

- 8.1.1 The legal implications are covered within the body of the report. If there are any developments at national level either in term of legislation or caselaw, we will review them and take any steps necessary to make our arrangements compliant with legal requirements.

Name of lawyer consulted: Elizabeth Culbert Date consulted 060122

9. Equalities implications

- 9.1 The proposals in the report do not impact on the attendance of the public at council meetings. However, there may be a concern regarding transparency of decision making and ensuring that all members of the community are aware of decision that are being taken. Therefore it is proposed that a record of any decision taken under the proposed enhanced officer delegated powers should be published on the Council's website (as happened when these arrangements were previously in force).

10. Sustainability implications

- 10.1 The full impact will depend on the number of decisions that are taken using enhanced officer delegated powers, but there is likely to be a reduction in the length of meetings and the number of meetings which would decrease emissions.

11. Other Implications

Public health implications:

- 11.1 Advice is that the risk of Covid 19 infection will be reduced for all those attending council committee meetings by reducing the frequency and duration of contact with others.

[Insert] Committee

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