

EMERGENCY POWERS – COVID19

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Portfolio: Leader

Ward(s) Affected: All

Purpose of the Report:

Due to the current situation with COVID19 preparatory work needs to be undertaken to ensure that Council business and decision making can continue in these unprecedented times. This report sets out the possibility of convening an Emergency Committee and the powers that this would take on and how this would work in these unprecedented times. Suggested Terms of Reference are attached to this report. The meeting will also consider the suspension of the six-month rule in relation to Members attending meetings and the approval of the proposed calendar of meetings for 2020/21.

Recommendations:

1. To agree the Terms of Reference for the Emergency Committee and to agree to included this within the Council Constitution.
2. To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972. This will be reviewed by the Monitoring Officer on a monthly basis.
3. To agree the proposed calendar of meetings for 2020/21.

1 SUMMARY

- 1.1 Due to the current situation with COVID19 preparatory work needs to be undertaken to ensure that Council business and decision making can continue in these unprecedented times. This report sets out the possibility of convening an Emergency Committee and the powers that this would take on and how this would work in these unprecedented times. Suggested Terms of Reference are attached to this report. The meeting will also consider the suspension of the six-month rule in relation to Members attending meetings.

2 CURRENT POSITION

- 2.1 In light of the announcement by the Prime Minister on the 23rd March 2020 the Constitution has been reviewed to ensure that the Council is able to continue to operate and make the decisions needed.
- 2.2 The Constitution is clear on the responsibilities of Committee's and is also clear on the delegations that are in place. However, there is currently no provision for emergency situations whereby fewer Councillors are available to attend meetings.

3 EMERGENCY COMMITTEE

- 3.1 Appendix A contains a proposed Terms of Reference for the Emergency Committee, which would be convened should the Council be unable to meet in line with the current Constitution.
- 3.2 This Committee would take on the delegations of the key Committees as decided by the Managing Director through consultation with the Leader. The key Committees are Council, Cabinet, Planning, Licensing and Audit.
- 3.3 The Committee will ensure that single points of failure are reduced and that the Council can continue to operate in emergency and unprecedented situations.
- 3.4 It is important to note that the scrutiny role in the local authority is an important one, with the focus of this Committee being undertaken at the right time. The time for scrutiny in such unprecedented times will be to review the process after the COVID19 impact has reduced and enable a lessons learnt to be undertaken. The Managing Director and the Monitoring Officer will also ensure that the Committee operates within its remit and that decisions made are appropriate.
- 3.5 The Monitoring Officer also has an important role to undertake at this time, to ensure that the decisions to convene and / or stand down the Committee are taken at the right time and to also ensure that the Members of the Committee undertake their role following the Member Code of Conduct. The Monitoring Officer will be involved in all meetings of the Committee and liaise with the Managing Director when decisions are made.
- 3.6 The Emergency Committee will take on the decisions of the Committees that are suspended and follow the calendar of meetings in this regard. The reports coming to this Committee will be assessed by the Monitoring Officer to ensure that the reports and decisions are undertaken at the appropriate time and to ensure that decision making and the operation of the Council continues.

- 3.7 The Emergency Committee will meet formally as and when needed but will meet informally on a weekly basis if possible.
- 3.8 Process / procedure comments – include 5 days' notice include option to virtually hold the meetings as per legislation update
- 3.9 It is important to also clarify that the delegations within the Constitution that relate to individuals have the following further delegations should this be necessary:
- Should the Leader be unable to conduct his/her role, this will be delegated to the Deputy Leader.
 - Should the Deputy leader be unable to conduct his/her role, this will be delegated to a Portfolio Holder.
 - Should a Portfolio Holder be unable to conduct their role, they are able to delegate their functions to another Portfolio Holder
 - Should the Managing Director be unable to conduct his/her role, this will be delegated to a nominated Director.
 - Should a Director be unable to conduct their role, this will be delegated to a nominated Assistant Director.
 - Any Assistant Director delegations can be delegated to a Director and another Assistant Director.

All such delegations shall be confirmed in writing to the officer who has received the delegation and also copied to the Monitoring Officer.

- 3.10 In terms of Statutory Officers, there are Deputy Monitoring Officer and Deputy Section 151 Officers nominated to undertake these statutory roles in their absence. For the avoidance of doubt these will be formally recorded in writing to the officer that has received the delegation.

4 COUNCILLOR ABSENCE

- 4.1 Section 85(1) of the Local Government Act 1972 states: "...if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority."
- 4.2 These unprecedented times mean that Councillors may not be able to be physically attend meetings, or participate "remotely" for more than six months, either because they have already been absent due to illness or another reason, or because they will be unwell going forward, must self-isolate or undertake social distancing. For the local authority to be able to continue to function it is therefore proposed that the six-month rule is suspended and that this will be reviewed by the Monitoring Officer on a monthly basis and lifted at the correct time.

5 CALENDAR OF MEETINGS

- 5.1 In line with Part 4 Rules of Procedure the Council is required to approve the programme of ordinary meetings of the council for the year, this is attached as Appendix 2 to this report.
- 5.2 The calendar of meetings has been developed for a normal year and due to the current situation will be regularly reviewed by the Monitoring Officer. Thus

ensuring that business critical meetings continue and the decision making of the council can continue in the most effective and efficient way during these unprecedented times.

6 OTHER OPTIONS

- 6.1 To maintain the current position. This is not recommended at this unprecedented time and this Committee can be convened to ensure that Council continues to function.

7 ISSUES AND RISKS

- 7.1 **Resource Implications** – not applicable to this report at this time.
- 7.2 **Legal Implications** – this Committee is not currently within the Council's Constitution and Council need to agree to its inclusion to enable this to be taken forwards. As the revised Coronavirus Bill is enacted the legal implications will be assessed and necessary steps taken.
- 7.3 **Equality Implications** – not applicable to this report at this time.
- 7.4 **Environmental Impact** – not applicable to this report at this time.
- 7.5 **Crime and Disorder** – not applicable to this report at this time.
- 7.6 **Risks** – risks and issues are being monitored and managed on a daily basis and this will continue as the current situation evolves.

8 CONCLUSION

- 8.1 The Terms of Reference and the approach within this report needs to be agreed to ensure that Constitution can be updated and to provide the Council with a route to continue to operate in unprecedented times.

9 RECOMMENDATIONS

- 7.1 To agree the Terms of Reference for the Emergency Committee and to agree to included this within the Council Constitution.
- 7.2 To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972. This will be reviewed by the Monitoring Officer on a monthly basis.
- 7.3 To agree the proposed calendar of meetings for 2020/21

Appendix 1

EMERGENCY COMMITTEE

Terms of Reference

Purpose – To enable the Council to function in emergency situations when fewer Councillors and / or Officers are available to attend meetings.

The Committee will be convened, as required, as part of the District Council's major emergency and Emergency Planning process.

The decision to convene the Committee will be made by the Managing Director through consultation with the Leader. Equally the decision to stand down the Committee will be made by the Managing Director through consultation with the Leader.

Once the Committee is convened it can take on the role of the delegations afforded to the following Committees; Council, Cabinet, Planning, Licensing and Audit. This will be decided by the Managing Director through consultation with the Leader. These powers can be in full or in part.

Portfolio Holder delegations, Portfolio Holder with Officer delegations and Officer delegations will remain as per the Constitution.

The Committee will also meet as required and consider the immediate strategic issues for the District Council arising from the particular incident, having received reports from the Managing Director and/or the Chairman of the District Council Tactical Response Team.

The Committee may authorise action affecting any of the District Council's functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of the Council. The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular information bulletins on the incident and the action being taken.

Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media.

The Committee should consider the longer-term implications arising from the incident and the impact these may have on the District Council.

Membership

The Committee shall consist of six named Members of the District Council, to include:

- Chairman of the Cabinet (who will be the Chairman of this Committee)
- Vice-Chairman of the Cabinet
- Leader of the main Opposition Group (to provide a scrutiny role)
- The Portfolio Holder whose responsibility includes Housing and Wellbeing
- Two other named Members to achieve a political balance

If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee.

Quorum

The minimum number of members to transact any business shall be three.

Procedures, protocols and public speaking

Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

Any member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

Members of the press and public may attend. General arrangements for public speaking as set out in G1 of the "Rights of the Public at Meetings" apply, in line with the legislation in force at the time.

Voting

Voting at meetings is by show of hands and this shall be recorded.

In the event of an equality of votes, the Chairman shall have a second or casting vote.

Training

All training requirements for the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.

Appendix 2 - PROGRAMME OF MEETINGS – MAY 2020 TO MAY 2021

PUBLIC MEETINGS	DAY	TIME	MAY 2020	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2021	FEB	MAR	APR	MAY
Audit Committee	Thur	10am		25				22					11		
Awards Panel Enhancement Design (prov)	Wed	9am					9E 30D								
Council (*Annual Meeting)	Thur	7pm	*21		30		24		19		14	25		8	*20
Cabinet	Tue	6pm		16	21	25	29		3	8	12	9	16	20	
Overview & Scrutiny Committee (pre Cabinet)	Tues	10am		9	14	18	22	27		1	5	2	9	13	
Overview & Scrutiny Committee	Tues	10am	5	30			8		17		26		30		
Planning Committee	Wed	9.30am	20	17	15	12	9	7	4	2	6/27	24	24	21	19
<i>(The dates below are provisional and are subject to confirmation nearer the time)</i>															
Economic Success Panel	Mon	6pm		15		3		12		7		1		12	
Environmental Excellence Panel	Thurs	6pm		4	23		17		26		28		25		
Place Shaping Panel	Mon	6pm		1	20		7		9		18		1		
Wellbeing Panel	Wed	6pm		3		5		14		9		3		14	
Service Improvement & Efficiency Cttee	Mon	6pm			6			5			11			6 (Tues)	
Appeals Panel	Arranged as required														
Electoral Arrangements Committee	Arranged as required														
Joint Appointment Panel	Arranged as required														
Joint Scrutiny Committee	Arranged as required														
Joint Statutory Officer Appeals Cttee	Arranged as required														
Joint Statutory Officer Hearing Cttee	Arranged as required														
Licensing & Regulatory Committee	Arranged as required														
Performance Management Sub-Cttee	Arranged as required														
Standards Committee	Arranged as required														
NON PUBLIC MEETINGS															
Member Development Panel	Arranged as required														
Joint Lead Members Group			1	5	10	14	18	23 pm	27		8	12	19	23	28

Please note – all of these dates are subject to change

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