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18 March 2020

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend an **Extraordinary Meeting** to discuss **Business Continuity during Peacetime Emergency** on **Thursday 19 March 2020** at **6.30pm** in the **COUNCIL CHAMBER, TOWN HALL, MATLOCK DE4 3NN**.

The meeting has been called, with the consent of the Chairman of the Council, to enable a plan to be put into place to enable the continuance of business amidst a rapidly developing peacetime emergency.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a horizontal line.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions or express views on the item in this agenda.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. BUSINESS CONTINUITY DURING PEACETIME EMERGENCY 03 - 07

To consider extending delegated authority to make urgent decisions, on a temporary basis, to ensure business continuity during peacetime emergency situations.

NOTE:

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COUNCIL
19 MARCH 2020

Report of the Head of Corporate Services

BUSINESS CONTINUITY DURING PEACETIME EMERGENCY

PURPOSE OF REPORT

To consider extending delegated authority to make urgent decisions, on a temporary basis, to ensure business continuity during peacetime emergency situations.

RECOMMENDATION

1. That meetings of the Policy Committees are temporarily suspended and that the Chief Executive, and/or relevant Corporate Leadership Team member, be delegated authority to deal with urgent matters within the purview of the two policy committees with immediate effect, in consultation with the appropriate Policy Committee Chairman, Vice-Chairman and the relevant Ward Member(s) (if subject is Ward specific).
2. That meetings of the Planning Committee are temporarily suspended and that the Principal Planning Officer, Development Manager and Head of Regulatory Services be delegated authority in consultation with the Chairman of the Planning Committee and relevant Ward Members to determine planning applications that would otherwise fall outside the timescale for determination, subject to the assessment of risk on significant planning applications as set out in the report.
3. That all Licensing functions except alcohol, employment and gambling be delegated as follows:

Subject	Officer
Taxi and private hire vehicle matters	Licensing Manager/Head of Regulatory Services
Tree Preservation Orders	Development Manager/Head of Regulatory Services

4. That Council continues to exercise its reserved powers until such time as legislation permits decision making by remote involvement of Councillors and that formal meetings are called only in exceptional circumstances.
5. That the Chief Executive and/or the Head of Corporate Services be delegated authority to formulate proposals to introduce alternative means of participation which may be provided for to deal with the current emergency situation.

6. That any matters dealt with by officers, wholly as a result of the authority conferred by these resolutions, be reported for information to elected Members via email and published as a public record where appropriate.

WARDS AFFECTED

All

STRATEGIC LINK

This report recommends steps which will enable the Council to continue to delivery key public services. It therefore relates to all Corporate Aims and Objectives and could be used in furtherance of any of them, according to the circumstances.

1 REPORT

- 1.1 As the nation responds to the need to minimise the effect of the outbreak of Covid. 19, the District Council needs to be in a position to make important decisions at speed to ensure that it continues to delivery key public services. The Council also has a duty to protect the health of its staff and elected Members and not to place any individual at higher risk for the want of contingency arrangements.
- 1.2 Whilst the Government considers appropriate steps to remove the legislative requirement for elected Councillors to be present in the meeting chamber, there are operational matters which can be delegated to officers, to avoid the need for public meetings and to speed up decision making generally.
- 1.3 In line with arrangements made in the run up to local government elections this report seeks delegated authority to officers to enable the District Council to continue to exercise its functions. For the most part, sufficient authority is vested in the Corporate Leadership Team, to enable routine business to continue without reference elsewhere. It would be prudent however to ensure that there is the facility available if needed, to adequately deal with emergencies and to take essential urgent decisions and to avoid all unnecessary public meetings. This report recommends that extended and temporary officer delegations are put in place.
- 1.4 **Development Management**

Part 4 of the Council's Constitution details quite extensive delegation arrangements but it is considered prudent to make particular arrangements to deal with planning applications which would normally be determined by the Planning Committee. If no specific arrangements were made to deal with planning applications during the civil emergency, then those submitted during the foreseeable future would remain undetermined for longer than the statutory 8-week period and for no reason other than the fact that the Council had not made alternative arrangements.
- 1.5 The principle of delegation is that the Officer makes the decision based on their professional judgement by balancing material considerations. The officer decision must not be fettered by elected Councillor opinion, but that does not mean that they

cannot give weight to the views of ward members. Consultation will therefore continue with Ward Members prior to a decision being made.

- 1.6 The law also provides for an Officer to decline making a decision which may be so significant that the public would expect that decision to be made by elected Members. Examples of such applications would include major applications which have attracted significant opposition. In these situations a risk assessment will be undertaken by the Development Manager, and a meeting of the Committee will be called if a delay would otherwise give rise to an appeal by the applicant for non-determination. Such matters will be dealt with on a case by case basis with the over-riding principle, that the majority of decisions will be determined speedily and effectively by Officers during this difficult time.

1.7 Reserved Powers

Similarly it is suggested that the Council makes arrangements to make urgent decisions using extended and temporary officer delegation arrangements for all other items of the Council's business not specifically reserved to Council. The matters that will remain reserved to Council and are not intended for delegation by Officers is attached at Appendix A.

1.8 Regulatory Functions

Some regulatory business in terms of decisions affecting the rights of individuals cannot be delegated to officers and meetings must be held to accord with legal timescales. It will be necessary therefore for the Licensing and Appeals Committee to meet in relation to alcohol, employment and gambling matters. Taxi and private hire matters can however be delegated to avoid the need for a hearing. The recommendation includes such delegation provisions for the first time.

1.9 Reporting

Any matters dealt with by officers will be formally recorded and published for information to Councillors via email and for the public on our web site as soon as practicable.

2 RISK ASSESMENT

2.1 Legal

The delegated authority provisions in this report are empowered by Section 101 of the Local Government Act 1972. The risk is therefore low and the actions taken by the Council are proportionate in order to ensure effective continuance of business and protect the health of employees, elected Members and the public alike.

2.2 Financial

There are no financial risks arising from this report.

3 CONTACT DETAILS

Sandra Lamb, Head of Corporate Services, telephone: (01629) 761281
or email: sandra.lamb@derbyshiredales.gov.uk

4. BACKGROUND PAPERS

None

5. APPENDICES

Appendix 1 – Reservation of powers to Council

Appendix 1

Council reserves to itself the following powers:

- a) Adopting and changing the Council Constitution, subject to the delegation to the Monitoring Officer to make consequential changes;
- b) Approving and adopting the policy framework and the budget;
- c) Considering all proposals which seek to establish new policy or which seek to propose a significant departure from existing policy.
- d) Agreeing and/or amending terms of reference for committees, sub-committees and forums, deciding on their composition and making appointments to them including the appointments of Chairs and Vice Chairs;
- e) Approving membership of, and appointing representatives to, outside bodies and approved conferences
- f) Adopting a scheme for members allowances, following receipt of recommendations from the Independent Remuneration Panel;
- g) Confirming the appointment of the Head of Paid Service, Monitoring Officer, Chief Financial Officer or Strategic Director.
- h) Making arrangements for the discharge of any of the council's functions by another local authority or a joint committee with other authorities;
- i) Making, amending revoking, re-enacting or adopting bylaws and promoting or petitioning against any bills in parliament
- j) Approving any proposals relating to local government areas and the transfer, conferment or withdrawal of powers of local authorities;
- k) Matters relating to the variation of parliamentary and local government electoral areas and representation;
- l) Making decisions about any functions that by law, or as a result of local choice are the responsibility of Council
- m) Considering petitions where this is required under the Petitions Scheme.
- n) Considering reports of statutory officers i.e. from the Chief Financial Officer or Monitoring Officer.
- o) Considering the report of the Head of Service in relation to organisational review and resources
- p) Adopting the District Council's Code of Conduct for elected Members

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