

Part A

Report to: Council

Date of meeting: Tuesday, 17 March 2020

Report author: Group Head of Democracy and Governance

Title: Management of Council Business during the Covid 19 pandemic

1.0 Summary

1.1 The Chairman has agreed to consider this report as an urgent item in view of the Covid 19 pandemic

1.2 Advice from the government released on 16 March 2020 was to restrict mass gatherings and to maintain social distancing. It is also likely that emergency legislation will be passed in the coming weeks which will allow councils to operate using virtual meetings. However until that legislation is passed it is not lawful for council meetings to be held virtually and members need to be present to vote.

1.3 Officers would recommend that until legislation is passed that allows virtual meetings all committees and sub-committee meetings be cancelled and that for decisions that need to be taken, such as planning applications they be delegated an appropriate officer with members of the appropriate committee being able to submit their views via a virtual meeting to the officer before they take their decision.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
If meeting continue to take place this could affect the health and safety of attendees	The virus spreads with a knock on consequence for delivery of services	Adopt the suggested approach	treat	4
If meetings are not	Unnecessary time and expense in	Adopt suggested approach	treat	4

quorate business cannot happen and the council could be challenged	defending challenges			
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3.0 **Recommendations**

- 3.1 That all meetings of council committees and sub-committees be cancelled until such time as legislation is put in place to allow meetings to be held virtually.
- 3.2 That in relation to the functions normally exercised by the Development Management Committee these be delegated to the Group Head of Place/Head of Development Management/Development Management Team Leader (with preference given to the Group Head and Head) with the opportunity for members of Development Management Committee to be able to provide their views via a virtual meeting before the officer takes the delegated decision.
- 3.3 That in relation to any of the functions normally exercised by the Licensing Sub Committee that these be delegated to the Group Head of Community and Environmental Services/ Head of Community Protection/Environmental Health Managers. That applicants and those making representations be advised that only written submissions will be accepted.
- 3.4 That any working group be conducted virtually if possible.

Further information:

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Report approved by: Donna Nolan

4.0 **Detailed proposal**

- 4.1 As a result of the Covid 19 pandemic the Government has issued advice that mass gatherings should be avoided and social distancing should be put into practice, they have also advised that staff should work from home as much as possible. They have also indicated that emergency legislation will be enacted to suspend the need for annual council this coming municipal year and to allow virtual meetings for council business.

- 4.2 However until that legislation is enacted it is not lawful for councils to make decisions via virtual meetings as members need to be present to vote.
- 4.3 Under our standing orders for committees and sub-committees this means that in order for business to be conducted and implemented at least half the number of members must be present otherwise any business is then to be taken to the next council meeting for a decision.
- 4.4 Under our constitution we have the provision that in an emergency where a committee or sub-committee are not able to meet any decision can be made by either the Managing Director or another Chief Officer.
- 4.5 Over the next few weeks we have Overview and Scrutiny Committee, Member Development Group, Planning Advisory Group and Development Management Committee.
- 4.6 Officers would recommend that Overview and Scrutiny Committee and Member Development Group be cancelled. That Planning Advisory Group be undertaken virtually, as it is not a formal committee, if possible.
- 4.7 With respect to Development Management, a suggestion, put forward by the Lawyers in Local Government Group is that any decisions that would have gone to the committee be delegated to officers but that usual members of the committee be able to give their views via a virtual meeting to the officer before the decision is made. Applicants and objectors will be required to provide a written submission.
- 4.8 The officer is not entitled to fetter their discretion but could have regard to the view of members when making the decision.
- 4.9 Another potential sub-committee that might come up before legislation is passed is Licensing Sub. This is dependent on applications for premises licence's being objected to. Again it is suggested that decisions normally taken by the sub-committee be delegated to the Group Head of Community and Environmental Services/Head of Community Protection/Environmental Health Managers. With all representations being submitted in writing.
- 4.10 As the Council operates under the Mayor and Cabinet model all executive functions lie within the gift of the Mayor, and again the constitution provides for any decision delegated to cabinet, a portfolio holder or an officer to be dealt with by the Mayor, the Managing Director or another Chief Officer in an emergency. This will be invoked should any officer normally with delegated power or a Portfolio Holder be unwell and be unable to take the decision.

4.11 Once officers have had details of the legislation to be passed members will be advised and relevant procedures adopted to enable meetings to resume.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications in this report

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the legal implications are set out in the body of the report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 It has not been possible to undertake an equalities impact analysis in the time available. However these are emergency measures to enable business to continue. Reports will still need to be prepared for all decisions as if being determined by a committee. These will consider both human rights and data protection issues as necessary.

Background papers

No papers were used in the preparation of this report.