

COVID-19

Portfolio:	Non-executive function
Ward(s) Affected:	All

Purpose:

To agree any necessary decisions and delegations in order for the Council to perform its statutory duties and support the community during the COVID-19 pandemic.

1. Background

- 1.1. The Council's established decision making processes are affected by the COVID 19 pandemic, in particular the conducting of meetings due to the requirements concerning social distancing and social isolation. The Council must also perform its requirements as a Category 1 responder in an emergency.
- 1.2. The situation is evolving daily and the Council needs the necessary structures to be in place in order for it to continue to perform its statutory duties, make any necessary decisions, and to support the community in this exceptional period.

2. Hardship Fund

- 2.1. At its meeting on 24 March 2020 the Executive recommended that a Hardship Fund of £99,000 be agreed to assist individuals and charities during this difficult time (minute 110/E refers). The Council is asked to agree the creation of this fund, to be funded from reserves.

3. Urgent Decision Making

- 3.1. At its meeting on 24 March 2020, the Executive recommended that the Scheme of Delegation of Functions to Officers be amended to include the following provisions in respect of non-executive functions (minute 109/E refers):

4. Urgent Action

- 4.1 The Chief Executive, Executive Head of Service or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,
 - 4.1.1 after consultation with the Leader and Mayor in relation to Council functions;

- 4.1.2 after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions;
 - 4.1.3 after consultation with the Chairman or Vice Chairman of the relevant regulatory or non-Executive Committee.
 - 4.2 All matters will be reported to the next meeting of the appropriate decision-making body and will be advised to all Members by email.
 - 4.3 In the event of a national emergency declared by the Crown or HM Government where it is considered it will be impractical to call meetings for an extended period of time, the Chief Executive will have authority to exercise all the powers, duties and functions exercised by the Council, the Executive or any of the committees, including the authority and power to delegate such powers, duties and functions.
 - 4.4 This authority is time limited to a six-week period, following which any extension must be authorised by the Leader, or in his/her absence, the Deputy Leader.
 - 4.5 Where the Chief Executive is unable to act for the purposes of 4.3 above, the Corporate Management Team, both individually and collectively, is authorised to perform this function.
 - 4.6 Decision making, as set out at paragraph 4.3, will continue to be exercised in consultation with the Leader, or Deputy Leader or relevant Committee Chairman or Vice Chairman and, where appropriate, ward councillors where possible, but this provides for officers to continue to act in the event that this is not feasible.
- 3.2. The Council is asked to agree this addition to the Scheme of Delegation of Functions to Officers.

4. Business Closure Regulations

- 4.1. In accordance with The Health Protection (Corona, Business Closure) (England) Regulations 2020, it is proposed to appoint the Executive Head of Community as the designated officer for the purposes of the Regulations. Furthermore, the following officers will be appointed for the enforcement of these regulations:
 - a) Any Environmental Health Officer
 - b) Any Licensing Officer

5. Determination of Planning Applications

- 5.1. The Council is required to determine planning applications within a specified time. The applications can only be deferred if applicants agree to that and give

an extension of time. If they don't agree, they can ask for the planning fees back and go to appeal for non-determination.

- 5.2. At present, certain applications are reserved for determination by the Planning Applications Committee. In view of the difficulties in holding meetings at present it is proposed that, until the lifting of restrictions on public gatherings, the Executive Head of Regulatory be authorised to determine all planning applications that would ordinarily have been determined by the Committee. The delegation would be exercised after consultation with the Chairman of the Planning Applications Committee and ward councillors. This temporary delegation will not apply to any planning applications which would ordinarily be referred to the Full Council for determination.
- 5.3. The delegation proposed would be exercised after consultation with the Chairman and ward councillors, thus providing that applications of a controversial nature are not 'waived through' without any democratic oversight. In cases where a Member expresses concerns the Executive Head of Regulatory will seek an extension to the determination deadline with the applicant.
- 5.4. The alternative option is to re-commence with Planning Applications Committee meetings once virtual meetings are able to take place. However, the following items and any consequent risk or challenge arising from these matters would need to be considered:
 - Undertaking Site Visits
 - Operation of the Public Speaking Scheme
 - Public attendance at the meetings
 - The practicalities surrounding the procedural rules , including all participants being able to view the Planning Officer's presentation and all Members remaining 'present' for the duration of the item in order to vote.

6. Councillor Attendance Rule

- 6.1. Section 85(1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least 1 meeting of that Authority within a six-month consecutive period. If this is not met, the councillor will cease to be a member of the Authority. However, this can be waived and the time limit extended if the reason is agreed by the Authority before the six-month period expires.
- 6.2. The Government is legislating for attendance at meetings but at the time of writing this report, it is not known whether this will incorporate provision for non-attendance to be waived as a result of the restrictions in place. It is therefore recommended that the Council agrees that, in the event that a Member of the Council does not attend a meeting of the authority for a six-month continuous period due to the COVID-19 pandemic, this rule be waived.

7. Options

7.1. The Council has the option to agree, agree with any amendments considered appropriate, or not agree the recommendations put forward in this report.

8. Proposal

8.1. It is proposed that the Council agrees the recommendations set out at paragraph 9.1 of this report.

9. Resource Implications

9.1. The Council is asked to agree a supplementary estimate of £99,000, as set out in paragraph 2.1 of this report. Should the full amount not be spent, the balance will be returned to reserves.

10. Recommendation

10.1. The Council is advised to RESOLVE that

- (i) £99,000 be agreed as a supplementary estimate to provide a COVID 19 hardship fund;
- (ii) this supplementary estimate be funded from revenue reserves;
- (iii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be updated as follows:

4. Urgent Action

4.1 The Chief Executive, Executive Head of Service or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,

4.1.1 after consultation with the Leader and Mayor in relation to Council functions;

4.1.2 after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions;

4.1.3 after consultation with the Chairman or Vice Chairman of the relevant regulatory or non-Executive Committee.

4.2 All matters will be reported to the next meeting of the appropriate decision-making body and will be advised to all Members by email.

4.3 In the event of a national emergency declared by the Crown or HM Government where it is considered it will be impractical to call meetings for an extended period of time, the Chief Executive will have authority to exercise all the powers, duties and functions exercised by the Council, the

Executive or any of the committees, including the authority and power to delegate such powers, duties and functions.

- 4.4 This authority is time limited to a six-week period, following which any extension must be authorised by the Leader, or in his/her absence, the Deputy Leader.
- 4.5 Where the Chief Executive is unable to act for the purposes of 4.3 above, the Corporate Management Team, both individually and collectively, is authorised to perform this function.
- 4.6 Decision making, as set out at paragraph 4.3, will continue to be exercised in consultation with the Leader, or Deputy Leader or relevant Committee Chairman or Vice Chairman and, where appropriate, ward councillors where possible, but this provides for officers to continue to act in the event that this is not feasible.;
- (iv) the Executive Head of Community be appointed as the designated officer for the purposes of The Health Protection (Corona, Business Closure) (England) Regulations 2020:
- (v) the following officers be appointed for the purposes of the enforcement of The Health Protection (Corona, Business Closure) (England) Regulations 2020:
- a. Any Environmental Health Officer
 - b. Any Licensing Officer;
- (vi) the Executive Head of Regulatory be authorised to determine all planning applications which would ordinarily have been determined by the Planning Applications Committee, after consultation with the Chairman of the Planning Applications Committee and ward councillors, until the lifting of restrictions on public gatherings; and
- (vii) in accordance with Section 85 of the Local Government Act 1972, in the event that Member of the Council is unable to satisfy the requirement to attend a meeting a meeting of the authority within a six month consecutive period due to the COVID-19 pandemic, their non-attendance be approved until the lifting of restrictions on public gatherings preventing them from attending or participating in meetings.

Background Papers: None

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