

# FAREHAM

## BOROUGH COUNCIL

### Report to Council

22 October 2020

*Subject:* **Covid-19 Emergency Decisions and Democratic Services Recovery Plan**

*Report of:* **Head of Democratic Services**

#### SUMMARY

The purpose of this report is to provide Council with all formal decisions that have been made by both Officers and Executive Members under emergency and delegated authority during the coronavirus pandemic lockdown period. This report outlines the legislation that allowed important and key decisions to be made under delegated authority.

The Council's Recovery Plan Objectives sets out three key phases: Response, Adjustment and Recovery. This report explains the democratic process that allowed the Council to continue to carry out its functions to deliver these objectives during the emergency and how the recovery of democratic services has adapted to allow democracy and decision making to continue.

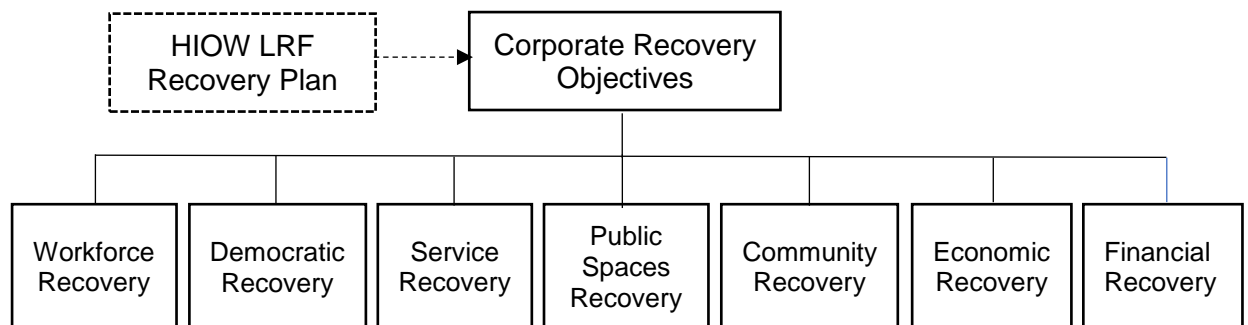
In order to provide transparency and assurance to Members, a log of all decisions made has been captured since services began to be affected on the 19 March 2020. The Covid-19 Decision log is appended to this report at Appendix A.

#### RECOMMENDATION

That the Council notes the contents of the report and accepts the decisions taken under the Emergency Scheme of Delegations, as set out in Appendix A to the report.

## INTRODUCTION

1. This report sets out the Democratic Recovery Plan in response to the Covid-19 pandemic. It forms part of the Council's Recovery Framework which was agreed by the Executive on 3 August 2020.



2. The report focusses on the legislation and guidelines that impacted the democratic process and the aim is to provide assurance to Members and residents of the Borough that, although the Council has faced extraordinary challenges through the coronavirus pandemic, democracy has been upheld and decisions have been made in accordance with legislation and the Council's Constitution.
3. The coronavirus pandemic has brought about unprecedented changes and long-term affects to several Council Services. Since 19 March 2020 some services were suspended for a time, Council buildings were closed for periods and the day to day operations have had to adapt to manage the new ways of working in order to comply with the Government's evolving guidelines. This has involved officers taking decisions that would ordinarily be made by Elected Members of the Council through the Committee Structure.
4. This report provides Council with the details of all decisions made under delegated authority and the legislation that has allowed this delegation to take place.

## BACKGROUND

5. On the 18 March 2020 the Prime Minister made a statement to the nation, introducing several guidelines in order to help protect people and the capacity of the NHS. Subsequently, decisions by Local Authorities had to be made quickly in order to keep the community, council officers and Elected Members safe whilst adhering to the guidelines.
6. The Council's Constitution, Part 4 chapter 5, delegates authority to the Chief Executive Officer under emergency powers, as set out in the Local Government Act 1972, Section 101. This enabled the Chief Executive Officer to suspend the Council's Constitution to aid the delivery of Council functions, as the usual decision-making processes were impossible and even unlawful to carry out due to new restrictions introduced by Government. It was at this stage that the Chief Executive Officer made the decision to suspend all Committee Meetings, with the exception of Planning Committee (more details regarding Planning Committee can be found in paragraph 13).

7. On the 23 March 2020 the Prime Minister addressed the nation again to outline stricter measures and the country went into lockdown. Following a short period of adjustment, the Committee Team were able to proficiently work from home and develop a procedure for virtual committee meetings to take place as soon as legislation was passed to allow for this.
8. The Coronavirus Act 2020 was passed by the House of Lords on the 25 March 2020. As well as providing details on local elections and other electoral processes, it also provided clarity to Local Authorities on how to manage many of the Council's statutory functions.
9. Section 78 of the Coronavirus Act 2020 outlined details of how Local Authorities could make provision to hold meetings without the need for Members to physically attend. This permitted the Chief Executive Officer to move forward in developing both a temporary decision-making process and to convene virtual meetings.

## **DEMOCRATIC RECOVERY**

### **Executive**

10. Under provisions contained in section 9E of the Local Government Act 1972, the Executive Leader delegated full decision-making powers to each Executive Member for their portfolio. Decisions were made via Individual Member Decisions. These arrangements remained in place until the 6 July 2020 when the first virtual meeting of the Executive was able to take place and the temporary delegations to individual Executive Members were withdrawn.
11. All Executive Member and Officer Delegated Decisions taken between 30 April and 06 July 2020 were reported to Council on the 23 July 2020 in the Schedule of Individual Executive Member and Officer Delegated Decisions report.
12. All decisions by individual Executive Members have or will be reported to the relevant Scrutiny Panels, giving non-Exec members the opportunity to question decisions that were made under those delegated decisions.

### **Planning Committee**

13. Unlike the other Committees within the Committee Structure the Planning Committee continued as did the planning system nationally, following advice received from the Chief Planning Officer at the Ministry of Housing, Communities and Local Government in March. The Planning Committee meeting on the 13 May 2020 was Fareham Borough Council's first ever virtual committee meeting.

### **Council**

14. Section 60 of the Coronavirus Act 2020 provides guidance to local authorities on Elected Members extending their terms of office to 2021. This allowed Annual Council in May 2020 to be cancelled and the Mayor and Deputy Mayor to remain in post until the next Annual Council meeting on 13 May 2021.
15. The first virtual meeting of Council was held on the 23 July 2020.

## **Committees and Scrutiny Panels**

16. A phased approach was adopted for the reintroduction of the Licensing and Regulatory Affairs Committee, the Audit and Governance Committee and the Council's six Scrutiny Panels. With the exception of the Policy and Resources Scrutiny Panel (details at paragraph 18 below), these meetings all recommenced from 1 September 2020 with the previously published schedule of meeting dates.
17. The virtual meetings, particularly during the adjustment period of the emergency, were very resource intensive which is why this phased approach was introduced to allow officers adapt and for focus to be given to the decision-making processes.
18. The Policy and Resources Scrutiny Panel was reinstated earlier to allow the Panel to hear a call-in and pre-scrutinise important Executive decisions.

## **Public Participation**

19. Deputations have continued to be received throughout the coronavirus pandemic, with over 100 either, written, video or audio deputations being heard across all the Council's meetings, up to the 1 October 2020. This would appear to higher public participation than pre-coronavirus meetings, although comparisons are difficult to measure due to the nature of the various items on meeting agendas during this time.
20. The Council's deputation scheme has been temporarily amended to allow the scheme to adapt and remain relevant during the pandemic. The Deputation web pages are also updated regularly to guide members of the public through the procedure.

## **Virtual meetings**

21. The Council's virtual meetings have been held via Microsoft Teams. These meetings are live streamed via the Council's website to allow members of the public to view these meetings held in public. Protocol emails have been sent to all members and officers before each meeting. Guidance documents have also been developed to assist Members, officers and the public in accessing meetings.

## **RECORDING DECISIONS**

22. A Covid-19 Decision log, included at Appendix A to this report, was created in order to capture all decisions made in one central location from the 19 March 2020, when the Government's guidelines were introduced. Initially the majority of services were suspended due to officers having to adapt quickly and focus resources on the Council's essential services.
23. The Covid-19 decision log was able to capture details on why decisions had been made, who had made the decision and when these services were reinstated this provided an essential tool in the recovery planning phase.
24. For clarity the Covid-19 Decision log also captured details of decisions made by Individual Executive Members as these too were made under emergency delegated authority.
25. The Chief Executive Management Team (CXMT) has met regularly throughout the

pandemic to manage the Council's response and monitor decisions. This enabled the Chief Executive Officer to be consulted and updated during this time. A dedicated CXMT intranet page was also set up to help Senior Managers to communicate and collate decisions as they happened.

26. Throughout the past seven months Members have been kept informed through a variety of channels and where appropriate Members have been directly consulted on most of the decisions and effects to Council functions.
27. Appendix A is a copy of the main Covid-19 Decision log which has captured decisions up to the 14 September 2020 for Members information. The document is a working spreadsheet that will continue to be updated throughout the pandemic.

## **RISK ASSESSMENT**

28. The Covid-19 pandemic has had an unprecedented impact on the Council and our community. Immediate response efforts were required to maintain key Council services and to rapidly adapt to new requirements which helped to support residents and businesses in the Borough
29. The decisions and processes detailed in this report form part of the Council's Emergency Response to the pandemic and also contribute to the Business Continuity Plans across all Council Services.

## **CONCLUSION**

30. All meetings within the Council's Committee Structure have taken place as virtual meetings and will continue to be held virtually for the foreseeable future. Officers are continuing to investigate hybrid meetings and other possible formats in which to live stream Council meetings.

**Appendices:** Appendix A – Covid-19 Decision Log

**Background Papers:** Intranet noticeboard log of decisions

**Reference Papers:**

Coronavirus Act 2020  
Local Government Act 1972  
Fareham Borough Council minutes 23 July 2020  
Report to Executive 3 August 2020 – Covid-19 Recovery Plan  
(Objectives and Framework)

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