

Subject:	Remote Council Meetings and the use of Urgency Powers		
Date of Meeting:	27 May 2020		
Report of:	Executive Lead Officer Strategy, Governance and Law		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the report had to be compiled at short notice having regard to national developments.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 On 19 March 2020 Policy & Resources Committee agreed revised arrangements for democratic decision-making, taking into account the risk posed by the Covid-19 pandemic and the need to preserve democratic accountability and compliance with legal requirements. At that time there was no legislative provision to allow remote (virtual) meetings to take place and therefore an increase in the use of officer urgency powers was envisaged.
- 1.2 On 4th April 2020 new regulations were made, enabling the Council to hold virtual decision making meetings, which are now in place. It is therefore necessary to review the interim arrangements agreed by this Committee on 19th March 2020.

2. RECOMMENDATIONS:

- 2.1 That Policy & Resources Committee agrees the proposals set out at paragraph 3.5 of the report and the Urgency Decision Making Protocol (updated May 2020) attached at Appendix 1 with immediate effect.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 19 March 2020 Committee agreed a set of interim arrangements in response to the COVID19 pandemic. This included agreement for officers to review all decisions coming before committee to see if they could be delayed until after the end of August. Where decisions could not be delayed, it was agreed that officer urgency powers would be used, having consulted the relevant Chair and Opposition spokespersons.
- 3.2 At that stage, remote meetings were not possible as the law required a member to be physically present in order to take part in a decision making meeting.

Therefore, it was agreed that officer urgency decisions would be used where decisions needed to be taken and could not be delayed, and only if that was not considered practicable would an urgency sub-committee meeting be called.

3.3 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations permit local authorities to hold meetings on hours/days of their choosing and to alter the frequency of meetings. They also permit remote attendance at meetings if the required conditions are fulfilled.

3.4 Now that the Council has commenced remote decision making meetings, it is appropriate to review the interim arrangements agreed by Committee on 19th March to reflect the council's ability to conduct formal member decision making meetings.

3.5 It is proposed that the following arrangements are now agreed with immediate effect:-

- (i) In relation to BHCC Member Working Groups, the Home to School Transport Working Group and School Organisation Working Group have continued to meet. All other BHCC member working groups and Housing Area Panels will resume meeting from July with the exception of the Carbon Neutral Working Group and i360 cross party panel which will be meeting in June;
- (ii) All Committee and Sub-Committee meetings will take place with remote attendance by members, the public and press, in accordance with the Regulations;
- (iii) Use of Officer Urgency powers will be in accordance with the Council's Protocol on the Use of Urgency Powers (updated May 2020) as set out at Appendix 1. This protocol was first agreed by Committee on 5th December 2019. The protocol contains a flow chart setting out the expectation of the use of Officer Urgency Powers only where it is not reasonably practicable to hold a Committee, Special or Urgency Sub-Committee meeting. The Protocol also includes a template record of Officer Urgency Decision (updated May 2020) which will be published on the Council's website;
- (iv) It is proposed that the above proposals come into effect immediately and remain in place until such time as the arrangements are reviewed again by this Committee, or the Regulations permitting remote meetings expire (whichever is earlier).

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The Council has the option of continuing to support an enhanced use of Officer Urgency Powers. However, now that remote meetings can take place and have legal force due to new Regulations being implemented, it is considered appropriate to revert to the previous expectations that meetings which require a decision by elected members, in accordance with the Council's constitution, are

taken to decision making meetings unless it is not reasonably practicable to do so.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No public consultation has taken place in view of the timing, however the proposals in this report revert to the principles that were in place before the COVID19 pandemic and are therefore well established.

6. CONCLUSION

- 6.1 The proposed way forward takes account of the legislative changes which have enabled remote meetings to take place and therefore negate the need for the enhanced use of Officer Urgency powers as agreed by Committee on 19 March 2020.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from this report. The reversion of decision-making to committees by default ensures that decisions involving financial implications are as transparent as possible and enable appropriate member scrutiny and oversight of any budgetary implications.

Finance Officer Consulted: Nigel Manvell

Date: 18 May 2020

Legal Implications:

- 7.1 The legal implications are set out in the body of the report.

Lawyer Consulted:

Liz Culbert

Date: 15 May 2020

Equalities Implications:

- 7.2 There are no adverse equalities implications arising from the report. By adopting the recommendations, there will be an increased number of meetings where decisions are taken in public.

Sustainability Implications:

- 7.3 There are no adverse sustainability implications arising from this report. The meetings will continue to be held remotely, reducing travel and carbon emission.

Brexit Implications:

- 7.4 None.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Protocol on the Use of Officer Urgency Powers (updated May 2020)