

County Council

21 October 2020

Decisions taken under Urgency Powers



Report of Corporate Management Team

John Hewitt, Corporate Director of Resources

Alan Patrickson, Corporate Director of Neighbourhoods and Climate Change

Councillor Alan Napier, Cabinet Portfolio Holder for Finance

Councillor Brian Stephens, Cabinet Portfolio Holder for Regeneration and Local Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To inform Council of non-executive decisions taken under urgency powers during the Covid-19 Pandemic

Executive summary

- 2 The Council's Constitution makes provision for Chief Officers to take urgent action where it is impracticable to obtain authorisation from the Council subject to such actions being reported to the next convenient meeting of the Council.
- 3 This report informs Council of decisions taken by the Corporate Director of Resources and Corporate Director of Neighbourhoods and Climate Change in the absence of being able to convene a meeting of Council due to the Covid-19 pandemic and lockdown arrangements.

Recommendation(s)

- 4 Council is recommended to:
 - (a) Note the decisions taken by the Corporate Director of Resources and Corporate Director of Neighbourhoods and Climate Change in accordance with Part 3, Table 1, Paragraph 12 of the Constitution.

Background

- 5 Part 3, Table 1, Paragraph 12 of the Council's Constitution provides "where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Executive or some other Council body"
- 6 As a result of the Covid-19 pandemic and lockdown measures all meetings of the County Council scheduled between March and September 2020 were cancelled.
- 7 During this period, the Corporate Directors of Resources and Neighbourhoods and Climate Change were required to take a number of decisions, which would normally have been taken by the Council. Details of these decisions are summarised in Table 1 below.

Background papers

None

Other useful documents

Please refer to Table 1 of the report for links to the relevant decision reports.

Author(s)

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Table 1: Decisions taken under Urgency Powers as a result of the COVID-19 pandemic

Decision	Date	Chief Officer	Summary	Background papers
Dispensation under section 85 Local Government Act 1972	6 April 2020	Corporate Director of Resources	Dispensation to Councillor Stephen Hugill. Councillor Hugill had not attended a meeting since 8 October 2019 due to health reasons. He faced disqualification if he did not attend a meeting by 7 April 2020. The Monitoring Officer was aware of the circumstances and would have recommended to Council that a dispensation would be granted.	https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=15640
Suspension of certain sections of the Hackney Carriage and Private Hire Licensing Policy (otherwise know as Taxi Policy)	28 April 2020	Corporate Director of Neighbourhoods and Climate Change	Due to the restrictions and limitations relating to the coronavirus pandemic, it was considered necessary to suspend certain sections within the Hackney Carriage and Private Hire Licensing Policy. The relevant sections relate to the requirements/time periods for vehicles to be tested, inspection of vehicle licences and medical declarations. Arrangements were put in place to ensure that the suspensions did not have a detrimental impact on public safety.	https://democracy.durham.gov.uk/documents/s122366/RLS%204436.pdf

Decision	Date	Chief Officer	Summary	Background papers
Dispensation under section 85 Local Government Act 1972	1 May 2020	Corporate Director of Resources	Dispensation granted to Councillor Gardner who had not attended a meeting of Council since 4 November 2019 due to health issues of a family member becoming known in January 2020. He faced disqualification if he did not attend a meeting by 3 May 2020. The Monitoring Officer was aware of the circumstances and would have recommended to Council that a dispensation would be granted.	https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=15390
Amendment to the Officer Scheme of Delegation	22 May 2020	Corporate Director Resources	<p>Amendment to the Officer Scheme of Delegation to enable the (then) Interim Corporate Director for Regeneration, Economy and Growth to determine planning applications, which would otherwise be determined by planning committee.</p> <p>This change was considered necessary in order to keep the planning process fully operational, to provide a boost to developers, investors, the local economy and</p>	https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=15498

Decision	Date	Chief Officer	Summary	Background papers
			<p>help mitigate the impact of Covid-19.</p> <p>Matters which are likely to have significant impact on the environment, are by their nature controversial or those properly called in by Members or the local Council are still determined by Planning Committee</p>	
Remote Meetings and Procedure Rules	22 May 2020	Corporate Director Resources	<p>The Local Authority and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 introduced and permitted Councils to hold public meetings remotely by using video/telephone conferencing technology. To enable the Council to hold remote meetings, minor changes were required to the Council's procedure rules.</p>	<p>https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=15499</p>

Decision	Date	Chief Officer	Summary	Background papers
Dispensation under section 85 Local Government Act 1972	22 June 2020	Corporate Director of Resources	A general dispensation was granted to cover members who were unable to attend meetings within a 6-month period because of the Covid-19 pandemic. At the time the dispensation was granted there were four Councillors at risk of disqualification. The Monitoring Officer was consulted in relation to this decision and agreed that it was an appropriate course of action. It is understood that similar dispensations were given in other local authorities. The dispensation expires at the end of December 2020.	https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=15263

Appendix 1: Implications

Legal Implications

The authority for Chief Officers to take urgent decisions in the absence of a Council meeting is set out in paragraph 5 of the report. The decisions set out and consideration of this report by Council is in accordance with those provisions. The provisions in relation to dispensations for members facing disqualification are also set out in full in the report.

Finance

There are no financial implications in relation to this report or the decisions that were taken under the urgency powers.

Consultation

Constitution Working Group were consulted on 22 May 2020 on the proposals to amend the Officer Scheme of Delegation to enable the Interim Corporate Director of Regeneration, Economy and Growth to determine certain planning applications that would otherwise be determined by Planning Committee and the required amendments to the Procedure Rules to allow for remote meetings.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of the decisions taken.

Climate Change

There are no climate change implications arising out of the decisions taken.

Human Rights

There are no human rights implications arising out of the decisions taken.

Crime and Disorder

There are no crime and disorder implications arising out of the decisions taken.

Staffing

There are no staffing implications arising out of the decisions taken.

Accommodation

There are no accommodation implications arising out of the decisions taken.

Risk

The delegated decision reports of the Corporate Director of Resources consider any risks associated with the urgent decisions. These mainly related to the reduced decision making by Planning Committee. These were mitigated by requiring the Corporate Director of Regeneration to consult with Chair/Vice Chair of Committee before exercising their extended powers and retaining the ability of members and local Councils to call planning applications in.

Procurement

There are no procurement implications arising out of the decisions taken.