



Report Reference Number: A/20/10

To: Audit and Governance Committee
Date: 29 July 2020
Status: Non-key
Ward(s) Affected: All
Author: Victoria Foreman, Democratic Services Officer
Lead Executive Member: Councillor Mark Crane, Leader of the Council
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Decisions taken under Urgency due to Covid-19

Summary: As a result of the Coronavirus crisis and national lockdown imposed on 23 March 2020 by the UK Government, all Selby District Council committee meetings were cancelled, and decisions taken using urgency procedures. This report gives details of the urgent decisions taken by the Leader of the Council and senior Officers between 23 March and 14 July 2020.

Recommendation:

That the Audit and Governance Committee note the urgent decisions taken by the Leader of the Council and senior Officers between 23 March and 14 July 2020 and refer the same to full Council for noting.

Reason for recommendation:

Part of the role of the Audit and Governance Committee is to monitor the Council's governance and procedures; in being given an overview of the decisions taken under urgency during the Coronavirus crisis, the Committee can verify that such decisions were taken lawfully.

1. Introduction and background

1.1 On 23 March 2020 the Leader of the Council took a decision using his urgency powers to cancel all meetings so that the Council could adhere to Government Guidance regarding social distancing during the Coronavirus crisis. Until 4 April 2020, the Local Government Act 1972 required Members to be present in the room to vote. It was therefore not possible to undertake lawful decision making other than through delegation.

2. Decisions Taken under Urgency

- 2.1** The governance structure at Selby District Council is a Leader and Executive model which gives the Leader of the Council reserved individual powers to take Executive decisions under urgency. The Local Authorities (Functions and Responsibilities) Regulations define whether a decision is an Executive or non-Executive function. Operating under urgency means that Executive decisions that would have been decided at Executive meetings (both key and non-key) were being made by the Leader.
- 2.2** Urgent decisions do not appear on the Council's Forward Plan, and instead require the Chair of Scrutiny Committee to formally agree that a decision is needed urgently. Urgent decisions outside the Budget and Policy Framework require the agreement of the Chair of Policy Review Committee that a decision is needed urgently. Urgent key and non-key decisions taken between 23 March 2020 and 14 July 2020 are set out in Appendix 1 to this report.
- 2.3** The usual call-in procedures do not apply to urgent decisions. The Chairman of Council, or in his absence the Chief Executive, must be satisfied that the decision is reasonable and urgently needed.
- 2.4** Planning decisions are non-Executive functions, and delegated powers to determine applications that would otherwise have been decided by Planning Committee lie with the Chief Executive. A process was put in place to enable the Chief Executive to take decisions on planning applications on a weekly basis, having regard to views of the Planning Committee following consultation. Planning decisions taken by the Chief Executive and Head of Planning between 23 March 2020 and 14 July 2020 are also set out in Appendix 1 to this report.
- 2.5** Licensing decisions are also non-Executive functions. Delegated power to determine matters that would otherwise have been determined by the Licensing Committee again lays with the Chief Executive. However, no urgent licensing decisions were required, but had there been, such decisions would have been taken following consultation with the Chair and Vice Chair of the Licensing Committee.

3. Alternative Options Considered

None.

4. Implications

4.1 Legal Implications

Officers were advised to seek legal advice from the Monitoring Officer and be clear in evidencing that a clear and transparent decision-making process had been followed.

4.2 Financial Implications

Any financial implications relating to the decisions taken under urgency will have been set out in the report accompanying the decision record, or in the decision record itself.

4.3 Policy and Risk Implications

Decisions were made through the urgency processes outlined in the Council's Constitution.

4.4 Corporate Plan Implications

None.

4.5 Resource Implications

None.

4.6 Other Implications

None.

4.7 Equalities Impact Assessment

Not applicable.

5. Conclusion

5.1 Once noted by the Audit and Governance Committee the decisions taken under urgency between 23 March 2020 and 14 July 2020, as set out at Appendix 1 of this report, will be reported to full Council by the Chair of Audit and Governance in his Chair's update which is given at each Council meeting.

5.2 Audit and Governance Committee Members are asked to note the urgent decisions.

6. Background Documents

None.

7. Appendices

Appendix 1 – Schedule of Urgent Decisions taken between 23 March 2020 and 14 July 2020 due to the Coronavirus crisis

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