

SUBJECT: Covid 19 Decision Making

REPORT: Cabinet

DATE: 6 May 2020

DIVISION/WARDS AFFECTED: All

1. PURPOSE

- 1.1 This report is submitted to update Cabinet on the impact on decision making that the Covid 19 (CV19) period has had within the Council and identify next steps.

2. RECOMMENDATIONS

- 2.1 To note 3.4 and approve the intention set out at 3.8.

3. KEY ISSUES

- 3.1 The WHO declared CV19 an international public health emergency on 30 January, non-essential travel was advised against on 16 March and the 'lockdown' was introduced on 23 March.
- 3.2 Cabinet was last held on 4 March and Full Council was last held on 5 March and all reports required to be dealt with within the Financial Year were concluded at that meeting (the Pay Policy being the final one). Audit Committee on 19 March was the last meeting to be held before all subsequent meetings were cancelled owing to the lockdown and the existing legislation that made remote meetings impossible at the time.
- 3.3 Individual Cabinet Member Decisions (ICMDs) have continued as required during the lockdown period and, as per the Constitution, it is within the Leader's gift to determine what Executive business he wishes to be dealt with at Cabinet or via ICMD within the guidance set out in Article 7, Part C and the Executive Procedure Rules within the Constitution.
- 3.4 The Constitution provides authority, in certain circumstances, for decisions that would normally require Council or Executive approval, to be made by the Chief Executive, Chief Officers or Statutory Officers. No such decisions have had to be taken during the CV19 period.
- 3.5 A variety of decisions have been taken either as part of the wider coordinated CV19 emergency response, or as mandated by the laws that have been enacted as part of the response. All of these decisions have been within the normal delegated powers of Chief Officers, and where possible taken after consultation with the relevant Cabinet Member.
- 3.6 These decisions include the tasking or redeployment of staff, operational decisions around waste collections and social distancing for workers, the exercise of discretion around Council Tax or Business Rate relief and of course schools-focused decisions regarding the opening and operating of hubs to support key workers.

- 3.7 The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 have changed the pre-existing laws to enable fully remote meetings to take place as long as those participating can hear and be heard. It also provides for the promulgation of all associated documents via electronic means only. It is this change in the law on 22 April that allowed the Investment Committee on 24 April to take place, and now this Cabinet meeting on 6 May.
- 3.8 MCC will continue to develop its ability to host meetings remotely with a view to holding a Full Council Meeting. Further legislative work may be required to permit the decision making bodies of the Planning Committee and Licensing and Regulatory Committees to function again and, as business finds an equilibrium in the CV19 period allowing routine work and decision making to return, the scrutiny functions of the Select Committees will return accordingly. The AGM may take place at any time in 2020 and all Members holding positions as Chairs, Vice-Chairs, appointed to bodies, joint committees and other such positions may continue to hold them until 30 April 2021.

4. OPTIONS APPRAISAL

- 4.1 Changes across the organisation have been swift and in response to an emergency, which continues despite these efforts to return to a degree of normality. Legally mandated changes and decisions have not provided for alternative options, and necessity has driven the speed of adaptation elsewhere. The new legislation provides sufficient flexibility to consider alternative routes to return to full decision making as required.

5. EVALUATION CRITERIA

- 5.1 Not applicable.

6. RESOURCE IMPLICATIONS

- 6.1 The technological architecture required to enable a return to decision making meetings is largely in place across MCC and it is not anticipated that there are additional resource implications.

7. WELLBEING OF FUTURE GENERATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

- 7.1 There are no identified implications.

8. CONSULTEES

Cabinet Members
Strategic Leadership Team
Democratic Services

Matt Phillips
Head of Law and Monitoring Officer
matthewphillips@monmouthshire.gov.uk