

Emergency Committee

Wednesday 18 March 2020 at 16:10 at Sandwell Council House, Oldbury

Present: Councillor Y Davies (Chair);
Councillor Ali (Vice Chair);
Councillors Millard and Moore.

Officers: David Stevens (Chief Executive);
Darren Carter (Executive Director – Resources);
Neil Cox (Director – Prevention and Protection);
Stuart Lackenby (Director – Adult Social Care);
Sue Stanhope (Interim Director – HR);
Surjit Tour (Director of Law and Governance and
Monitoring Officer).

Members observing remotely: Councillors Crompton, Hadley and Shaeen.

1/20 **Matter of Urgency**

The Chair reported that due to the outbreak of the Covid-19 pandemic the Government was declaring a major incident over the forthcoming weeks and months.

In order to operate critical services, support residents to self-isolate and help the care sector in Sandwell, the authority would be closing a number of libraries, museums and other Council buildings. The situation would be kept under constant review with the aim of re-opening as soon as it was safe to do so.

Government advice was to ensure that as many staff as possible could work from home to try to contain the virus and reduce its spread.

Whilst it was a challenging time, the authority was doing its best to redeploy services to help meet the needs of Sandwell residents.

Given the developing situation, press and public attendance at meetings would not be possible until further notice. All non-essential meetings were also being cancelled whilst alternative methods of engaging with members in decision making was being looked at.

The Government was currently considering changing legislation to enable remote access into meetings to count toward members attendance requirements.



The Emergency Committee meeting had been convened on the advice of the council's senior officer responsible for resilience and emergency planning to enable the Council to take proactive and responsive measures at pace to address the issues arising from the virus.

2/20

Declarations of Interest

No interests were declared at the meeting.

3/20

Emergency Planning

Consideration was given to urgent proposals to implement any necessary measures to deal with the Covid-19 outbreak. The proposals focussed on the governance arrangements of the Council to allow the authority to continue to operate, with the flexibility of making decisions during a period where non-essential travel and social distancing was being implemented across the UK.

On 13 March 2020, the Government had made a decision to cancel all local, Mayoral and Police and Crime Commissioner elections that were scheduled to be held on 7 May 2020 in order to minimise the potential impact of Covid-19. Legislation affecting this and several other operational matters was expected in the coming days and weeks, including potentially, mechanisms for remote electronic attendance and participation in meetings by Councillors.

It was therefore proposed that:-

- Council meetings scheduled in April and May 2020 be cancelled and the Chief Executive and the Director of Law and Governance and Monitoring Officer be authorised to agree a date for the annual meeting of the Council, subject to receiving additional guidance and legislation from Government;
- the programme of committee meetings 2020/21 be approved;
- the Chief Executive, or his nominee(s) put into effect any legislative changes that enabled remote or electronic attendance and participation in meetings;
- the Scheme of Delegation to Officers (Council function) be amended to enable officers to act in cases of emergency or special urgency with all urgent decisions taken being reported to the next ordinary meeting of Council;
- necessary changes be made to the Council's Financial Regulations and Procurement and Contract Procedure Rules to enable the authority to continue to procure services as necessary, including increasing the financial threshold from £250,000 to £2,000,000 where spend decisions relate to the outbreak of Covid-19;
- the requirements of Section 85 of the Local Government Act 1972 be waived, and an extension of the six-month rule be approved for a number of members, with effect from 18 March 2020, expiring at the Annual Meeting of Council on a date to be determined;
- a further meeting of the Emergency Committee be arranged in June 2020 to consider any further dispensations to the 6-month rule in the

event that all public meetings are suspended, including a meeting of the Council. If this is not possible, then the Chief Executive, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to determine any application for a dispensation that is made in respect of an elected member.

Clarity was sought in relation to:-

- whether the proposals were temporary as a result of the Covid-19 pandemic;
- whether the proposals could be reviewed by the Emergency Committee in four weeks' time, as opposed to June 2020, to gauge whether the emergency powers were still required or whether further powers would need to be approved to ensure the running of the Council;
- the equality impact assessment;
- whether a change in law was required for the Chief Executive and Director of Law and Governance and Monitoring Officer to waive the 6-month non-attendance rule for members;
- whether a decision on the programme of meetings for 2020/21 could be deferred to a future meeting to enable the Council to review the situation on a monthly basis in the interim;
- when decisions taken during this period would be published;
- whether the Emergency Plan for the Council should be considered by the Emergency Committee at its next meeting.

In response, it was reported that:-

- the emergency measures being proposed were indeed for a temporary period whilst the pandemic persisted and would be kept under review;
- the frequency of meetings would be determined as and when required, whether daily, weekly or fortnightly during the pandemic. The Council would utilise remote measures of calling meetings to ensure social distancing was upheld during this period;
- the proposals were in line with the Council's equality policies;
- the Council, and in turn the Emergency Committee, could delegate functions to chief officers to act;
- agreeing a programme of meetings would give certainty of the calendar of dates, this did not preclude the chairs of committee meetings calling meetings of their respective meetings as and when required. Legislation in relation to remote attendance would also allow remote meetings to take place;
- reports and decisions taken under urgency provisions would be published as soon as practically possible. There would be a reliance on staff being operational in order to do this;
- the focus currently was to deal with the escalating crisis and dedicate resources to minimise the impact on Sandwell residents. The Emergency Plan could be considered by the Committee at a future meeting.

Councillor Moore proposed a motion to approve the temporary governance arrangements, for an initial four-week period, subject to a further meeting of the Emergency Committee and to consider the proposed committee programme 2020/21 at the next meeting of the Committee as it is not deemed urgent at this stage.

The motion was not seconded and subsequently fell.

The Leader reiterated the magnitude of the problem that was being faced across the world and the priority now was to help protect residents with minimum loss of life. The emergency measures, which were being guided by the Government and Public Health England, would only be used during the pandemic and would be reviewed continuously. The Committee needed to ensure flexibility in taking the necessary urgent actions required. The Council would continue to reassure residents and work with the wider community sector to help protect residents.

The Chair subsequently proposed a motion, it was seconded and voted upon and subsequently it was:

Agreed that in response to the Covid-19 pandemic, the following temporary governance arrangements are approved:-

- (1) meetings of Ordinary and Annual Council scheduled to be held on 7 April 2020 and 19 May 2020 respectively be cancelled;
- (2) the Chief Executive and the Director of Law and Governance and Monitoring Officer agree a date for the annual meeting of the Council upon receipt of additional guidance and legislation from Government;
- (3) the programme of committee meetings 2020/21 as now submitted is approved;
- (4) the Chief Executive, or his nominee(s) in his absence or unavailability, is authorised to put into effect any legislative changes that enable remote or electronic attendance and participation in meetings;
- (5) the Scheme of Delegation to Officers (Council function), as now submitted is approved so as to:-
 - enable the Chief Executive, or his nominee(s) in his absence or unavailability, in consultation with the Chair of the Emergency Committee, or in their absence, the Vice Chair of the Emergency Committee, to act in cases of emergency or special urgency with all urgent decisions taken being reported to the next ordinary meeting of Council;

- authorise the Section 151 Officer (Chief Finance Officer), or his nominee(s) in his absence or unavailability, in consultation with the Chair of the Emergency Committee, or in their absence, the Vice Chair of the Emergency Committee, to agree the use of reserves and repurposing of budgets;
 - where an urgent decision is required and where a meeting of the Committee cannot be convened remotely, enable the relevant Director, in consultation with Planning Committee members to determine any decisions relating to planning applications and matters until such time that it is deemed appropriate by the Chief Executive to convene a meeting of the Planning Committee;
 - where an urgent decision is required and where a meeting of the Committee cannot be convened remotely, enable the relevant Director, in consultation with Licensing Committee members to determine any decisions relating to licensing applications (such as liquor and taxi licence applications) until such time that it is deemed appropriate by the Chief Executive to convene a meeting of the Licensing Panel/Committee;
- (6) any necessary changes be made to the Council's Financial Regulations and Procurement and Contract Procedure Rules to enable the authority to continue to procure services as necessary as now submitted;
- (7) the requirements of Section 85 of the Local Government Act 1972 be waived, and an extension of the six-month rule be approved for the following members, with effect from 18 March 2020, expiring at the Annual Meeting of Council on a date to be determined;

Councillor Costigan
Councillor L Horton
Councillor Lewis
Councillor Sandars
Councillor P M Hughes

- (8) meetings of the Emergency Committee are arranged as and when required to consider urgent business and any further dispensations to the 6- month rule as a result of all public meetings being suspended, including a meeting of the Council and, in the event that this is not possible, the Chief Executive, in consultation with the Director of Law and Governance and Monitoring Officer, is authorised to determine any application for a dispensation that is made in respect of an elected member.

Meeting ended at 16:56.