

REPORT TO EMERGENCY COMMITTEE

24 June 2020

Decisions taken by the Leader of the Council and Chief Officers in accordance with Delegated Powers

The following matters have been determined by the Leader of the Council and Chief Officers since the last meeting of the Emergency Committee on 27th May 2020, in accordance with their delegated remit.

Leader of the Council – Urgent Decision

8 June 2020 Decision in relation to Emergency Active Travel Funding

The Leader of the Council, acting in accordance with her delegated authority, **agreed:-**

1. That approval is given to implement emergency traffic management measures on high streets and in town centres needed to reallocate road space to pedestrians and cyclists using Experimental Traffic Regulation Orders.
2. That representations from stakeholders and consultation responses for changes to Experimental Traffic Regulation Orders are reported with recommendations for decisions to the Cabinet Member for Sustainable Transport.
3. That before making any Experimental Traffic Regulation Orders into Permanent Traffic Regulation Orders all representations are reported to a public Decision Making Session of the Cabinet Member for Sustainable Transport for a decision on the permanent arrangements.
4. That the Director – Regeneration and Growth be authorised to complete the necessary statutory procedures and the Director – Law and Governance and Monitoring Officer be authorised to seal the relevant Order to bring the proposals above into effect.

Reason for Decision

The Government has introduced emergency legislation under the Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 and provided emergency transport funding to facilitate the return to work and gradual lifting of the COVID 19 restrictions.

This is to implement measures to re-allocate road space supported by new statutory guidance under the Traffic Management Act 2004, including temporary amendments for Traffic Regulation Orders.

The funding being made available by Government through the Emergency Active Travel Fund will enable some of the measures already identified in the LCWIP/SCWIP to be implemented in temporary form immediately and may also accelerate their permanent delivery in some cases.

Due to the emergency nature of this funding, and the very short timeframes stipulated for the delivery of the projects (expiring at the end of July 2020), it is necessary to seek approval to delegate decisions regarding their introduction in order that they can be implemented as soon as possible

Chief Executive

2 June 2020 Arrangements for the Appointment of an Interim Section 151 Officer

Approval was sought to the acting up arrangements for the post of Section 151 Officer.

The council's current Head of Finance is Rebecca Maher (RM), she was also the Deputy Section 151 Officer. The role was expected to be for a maximum period of 6 months and would be subject to frequent review if circumstances change.

Agreed that Rebecca Maher act up into the role of Section 151 Officer for a period of six months, with effect from 19th March 2020.

Reason for Decision

The Section 151 Officer was a statutory role appointed under section 151 of the Local Government Act 1972 which required every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs.

On 19th March 2020 the Executive Director of Resources commenced a period of absence from work. This meant that the Council was without an individual acting in the statutory role of Section 151 Officer.

Cabinet Member for Resources and Core Services

16 May 2020 The Publishing of funeral arrangements when responsibility was placed upon the Council by Section 46 of the Public Health (Control of Disease) Act 1984

The Cabinet Member for Resources and Core Services **agreed:-**

1. To the approach set out in the report, placed upon the Council when someone dies within the borough and no other arrangements were being or were likely to be made,
2. That the Director – Law and Governance and Monitoring Officer publish the approach to better inform bereaved families when the responsibility was placed upon the Council for funeral arrangements by Section 46 of the Public Health (Control of Diseases) Act 1984

Reason for Decision

Sandwell was responsible for making funeral arrangements for anybody who dies within the borough when no other arrangements were being or were likely to be made, where the deceased had no family or hadn't left a will.

The responsibility was placed upon the Council by Section 46 of the Public Health (Control of Diseases) Act 1984. The Act also stated that Council may recover all costs incurred in making the funeral arrangements from the estate of the deceased.

Director – Prevention and Protection

29 May 2020 Variations to the Private Hire and Hackney Carriage Licensing Policy

Decision:

That the renewal of sexual establishment licence number SEV/31/3/2019 to WB2 Anchor Limited in respect of Angels Gentleman's Club, 303 High Street, West Bromwich be granted for a period of 12 months from 1st April 2020 – 31st March 2021

Reason for Decision

On the 18th March 2020 the Emergency Committee delegated additional powers to the Director – Prevention and Protection that in the event that the Licensing Committee/Sub Committee was unable to act they can act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.

The premises had traded as a licensed sex establishment at these premises since April 2012 and the licence had been renewed each year. On grant of the initial application, the Committee decided to vary the standard condition 45 to allow advertising by the use of vehicles. In November 2017, the premises were transferred to the current applicant.

The applicant had complied with all the statutory requirements with regard to the application process and no objections had been submitted by West Midlands Police and no other objections had been received for this application.

9th June 2020 Variations to the Private Hire and Hackney Carriage Licensing Policy

Decision:

That approval be given to proposed temporary variations to the Private Hire and Hackney Carriage Licensing Policy as detailed in Appendix 1 of the report to enable:

- Drivers declaring new or changes to medical conditions or medication undertake an interim medical assessment by the councils approved provider.
- Medical self-declarations and interim medical assessments to be valid for six months or until a Group 2 medical assessment by the councils approved provider can be undertaken, whichever was sooner.
- Extension of expiry dates for interim vehicle checks from three months to four months.
- Current DBS clearances be considered valid for up to an additional three months or until the updated clearance was received, whichever was sooner, where a licensed driver has submitted all required documentation for DBS processing, and where there had not been disclosures of new convictions, cautions, reprimands, warnings, arrests, conditional discharges and bind-overs.

Reason for Decision

As the council and other organisations continued to develop their response to the Covid-19 outbreak many non-essential services ceased or became subject to restrictive access. This included services that drivers needed to fulfil the requirements of the councils Private Hire and Hackney Carriage Licensing Policy.

In March 2020 amendments to the councils Private Hire and Hackney Carriage Licensing Policy were approved. These were amendments made in immediate response to the situation and it was identified that it would be necessary to keep these under review. Circumstances have arisen in which our current policy may lead to drivers facing suspensions which could be avoided with further temporary amendments to the policy.

Consultation with members of the Licensing Committee had been undertaken and no objections to the proposal had been received.

Interim Section 151 Officer

4 June 2020 - Appointment of Sandwell Children's Trust External Auditors for 2019/20

Agreed

That the Acting S151 Officer approve the appointment of Grant Thornton as the external auditor for Sandwell Children's Trust for one year to audit the 2019/20 accounts.

Reason for Decision

Cabinet approved the contract between the Council and Sandwell Children's Trust at its meeting on 28 February 2018. This included the Articles of Association ('Articles') which are the main governing document and regulate the operation of the Trust. The Articles deal with a range of matters and required the Trust to seek approval to certain reserved matters before the Trust can action such matters.

Under para 9.2.6 of the Articles, the Trust is required to seek written approval from the Council in respect to 'appointing or removing any auditor of the Company'.

A decision was later made by Cabinet (March 2019) that this approval can be given by the S151 Officer.

Due to the current circumstances, SCT do not have the time to undertake a full procurement process to appoint their auditors for 2019/20 and therefore their Audit and Risk Committee have approved the appointment of Grant Thornton for a second year (for one year only).