

Change to the Constitution – Review of Delegation of Decision Making

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Purpose of the Report

1. To review the decision of Council taken on 19th March 2020 relating to the delegation of decision making to the Chief Executive (and Directors if the Chief Executive is not available) to have sufficient powers to allow the business of the Council to continue to function during the Covid-19 pandemic.

Public Interest

2. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by committees and which can be taken by officers.
3. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear on the face of the Constitution.
4. This report is to review the previous Council decision taken on 19th March 2020 to delegate decision making to the Chief Executive and to approve the necessary constitutional changes to ensure the Council's decision-making processes continue to operate and are transparent and the Constitution is kept up-to-date.

Recommendations

5. The Council agree to continue the following changes to the Council's Constitution:
 - a) To amend Part 3, Responsibility for Functions, Sections 3 and 4 of the Council's Constitution to allow delegated authority to the Chief Executive, and to the relevant Director in the Chief Executive's absence where not already delegated, to take Executive and Quasi-Judicial decisions in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable, if meetings of the relevant committee are unable to be held;
 - b) Continue to enable Councillors to make decisions by remote, virtual meetings using available technology.
 - c) Continue the delegated authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect any further changes that are required as a direct result



South Somerset District Council

of Government Legislation /Guidance resulting from the coronavirus (COVID-19) situation.

- d) These changes in procedure will cease when the Government announces that the coronavirus (COVID-19) crisis is over and when normal meetings can resume.

Background

6. Members will recall that as the effects of the Covid-19 pandemic were felt, SSDC held a socially distanced meeting and an urgent report was presented to allow decision making to continue through delegation to the Chief Executive as in-person meetings and indeed any public gatherings were no longer allowed to prevent the spread of infection.
7. At the meeting, it was also agreed that the delegated powers be reviewed within 3 months.

Report

8. Shortly after Council agreed the delegated powers the Government issued The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which allowed local authorities to hold meetings by electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
9. Initially, whilst Members were familiarizing themselves with the virtual meeting technology, they were able to indicate their wishes at informal virtual meetings and these wishes were subsequently reflected in the formal decision made by the Chief Executive. One decision (a planning application) was referred back to the Regulation Committee and members made the formal decision on the basis of further advice received.
10. Since 7th May 2020 Committees have been made formal decisions at virtual on-line meetings in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
11. The Chief Executive made the following decisions using the power granted at the Council meeting on 19th March 2020:-
 - Community grant application – 1
 - Houses in Multiple Occupation – extension to area – 1
 - Area Chapter outturn report - 3
 - Planning applications - 11
12. It is the view of the Monitoring Officer that the powers are still needed to cover possible future issues e.g Local Lockdowns caused by the Covid-19 pandemic.

Financial Implications

13. There have been budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month.

Legal Implications



South Somerset District Council

14. These are set out and/or referred to in the body of the report.

Council Plan Implications

15. To ensure a modern, efficient and effective council that delivers for its communities, we will:
- Deliver a high quality, effective and timely service to our customers and communities

Carbon Emissions and Climate Change Implications

16. The use of Zoom software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district.

Equality and Diversity Implications

17. There are no specific equality or diversity implications arising from the subject matter of this report.

Background Papers

Council Constitution - Part 3
Agenda and minutes of Council meeting – 19 March 2020