

Executive Board
01.06.20

Subject: Urgent Decisions taken by Officers to date since the Coronavirus pandemic

Purpose: To inform Executive Board members of the urgent decisions taken.

Recommendations / key decisions required:

That the urgent decisions taken by officers be noted.

Relevant scrutiny committee to be consulted NO. Urgent decisions are not subject to call-in because of their very nature ie. having had to be taken urgently.

Exec. Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- All Executive Board Members

Directorate: Chief Executive's

Report Author:
Wendy Walters

Designations:
Chief Executive

Tel: 01267 224124

Email addresses:
wswalters@carrmarthenshire.gov.uk

EXECUTIVE SUMMARY

01.06.20

SUBJECT:

URGENT DECISIONS TAKEN BY OFFICERS UNDER URGENCY PROVISIONS IN THE SCHEME OF DELEGATION TO OFFICERS

1. Local government has traditionally held its democratic meetings as physical meetings in its Chambers; indeed this was the only option until The Local Government (Wales) Measure 2011 introduce an option in Wales for up to 70% of members to attend meetings remotely provided the other 30% of the membership actually attended the meeting and strict rules about everyone (including the public) being able to see and hear one another and be heard, were complied with.
2. On 28th February 2020 the first coronavirus case in Wales was confirmed. Democratic meetings continued for a while after this, with County Council meeting on the 10th March, and Executive Board on the 16th March, although in the intervening period 2 cases of coronavirus had been confirmed in Carmarthenshire.
3. On the 12th March 2020 officers moved into Gold Command mode and GC meetings were scheduled for Mondays, Wednesdays and Fridays every week. In a mounting pandemic and a fast moving environment urgent decisions had to be taken, whether to react to the emerging situation or indeed to be pro-active, and any such decisions were taken by officers under the urgency provisions in the Scheme of Delegation to Officers which allow the Chief Executive and all Directors to determine urgent matters in the purview of the Council or the Executive Board (or any Committee) "where it is impractical to convene a meeting". Convening democratic meetings to take these fast decisions, with the associated 3 clear (excluding weekends, the day notice is given, and the day of the meeting so effectively almost a week's) notice that has to be given, would have been impossible to meet the required timeline for those decisions to be made.
4. Because of the escalating pandemic on the 18th March 2020 the Chief Executive had to take the decision to suspend most democratic meetings as a precaution, and in any event some members had already started to self-isolate and make themselves unavailable for meetings. It was intended that meetings of the Executive Board, Planning Committee and Licensing Committee would continue.
5. On the 19th March a decision regrettably had to be taken to close the Authority's administrative buildings to the public to protect staff.
6. The Chair of the Planning Committee took the decision to cancel the meeting scheduled for the 23rd March 2020.
7. On the evening of the 23rd March 2020 the Prime Minister Boris Johnson announced a "lockdown" in an attempt to halt the spread of the virus. He gave an instruction to the nation to stay at home except for limited purposes, including travelling to and from work, but only where

absolutely necessary and the work could not be done from home. This was accompanied by the closing of all shops selling non-essential goods etc.

8. Following the lockdown announcement the meetings of the Executive Board (including the one scheduled for the 30th March), and Licensing Committee were suspended. The Authority moved into the Urgency decision making arrangements in the Constitution (as set out in para 3 above).
9. Decisions taken by the Chief Executive and Directors under these Urgency Provisions are detailed in Appendix 1 (attached)
10. Welsh Ministers have released (22-4-2020) legislation regarding remote attendance. This is currently being reviewed. Once we have considered the details and logistics around this legislation the Authority can consider moving out of officers delegated decision making and back into democratic decision making mode.

DETAILED REPORT ATTACHED?

**No report
Appendix 1 - Decisions**

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Wendy Walters** **Chief Executive**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	YES	YES	YES	YES

Policy, Crime & Disorder and Equalities

The urgent decisions taken by officers under urgency provisions in the scheme of delegation to officers align with current policies that have been approved by the Executive Board in previous meetings. There are no implications on crime & disorder from the urgent decisions that have been taken.

2. Legal

Under the Scheme of Delegation to Officers in the Authority's Constitution "determination of any urgent matter in the purview of the Council, the Executive Board or any Committee is vested in the Chief Executive and all Directors where it is impractical to convene a meeting of those bodies to consider the matters in hand.

The impracticability of convening meetings has been due to a number of factors including lockdown, social distancing requirements, the number of members self isolating, the publication requirements for agendas vis a vis the urgency of decisions and the rules currently in place regarding holding member meetings remotely.

PUBLIC INTEREST TEST

Whilst most of the decisions taken by officers are being published the names of individuals or businesses in receipt of grants have been withheld so as to maintain their commercial interests and / or their expectation of privacy."

"Democratic decision making had to be suspended because of the restrictions arising from the lockdown and their impact on being able to achieve quorum and / or maintain social distancing, and the requirements imposed on remote attendance at meetings, and the Urgency Decision Making provisions in the Constitution had to be invoked to enable urgent decision taking by officers"

Finance

Appendix 1 which details the decision made on an individual basis includes information on the financial implication of each decision, where known.

Generally additional expenditure incurred as a consequence of Covid 19 response is claimable from the WG Hardship Fund. We have already submitted claims for March and April to the value of £900k (Claims are completed on a cash basis)

WG have set up an £30m Hardship Fund for LA to claim additional expenditure and have also set aside a further £40m for specific Social Care related costs.

In respect of the loss in income that Authorities are suffering the Minister has recently agreed to set up a fund to support Councils income loss and a claims process will be developed, recognising that all Councils should mitigate the income loss where ever possible.

Currently the County Council forecasts that the potential additional expenditure in the first 3 months (to the end of June) of Covid 19 could accrue to £5.2 and the potential loss in income for the same period is in the region of £6.2m

It is expected and is being evaluated that additional costs will continue into the future months post June as we reset and recover services

ICT

There has been a requirement to develop and implement new software solutions to accommodate some of the urgent decisions taken in light of Covid-19. All these solutions have been developed internally. To comply with Government advice for all staff to work from home if they could then a major piece of work was carried out on the authorities infrastructure to ensure it could sustain an increased remote workforce – capital funds were used to purchase the required hardware.

Risk Management Issues

Risk implications of each decision were assessed by the Director when the decision was made. Decisions were made urgently to mitigate and minimise the risk potential.

As all claims for additional expenditure will be assessed by WG, some costs may fall back on the Authority.

Physical Assets

Decision taken 18.03.20 to close schools involves physical assets. The closures, however, are temporary and these assets will be brought back into education use at the appropriate time.

Decision taken 21.04.20 to undertake ecological surveys in respect of proposed Pentre Awel Zone 1 development will ensure that the building works programme is not unduly delayed and physical development of this key strategic project can commence as soon as appropriate.

Decision taken 21.04.20 to appoint WSP and Asbri to discharge relevant planning conditions, and make a limited start on site at Burry Port by carrying out infrastructure works, will safeguard the current planning permission and facilitate future physical development.

Staffing Implications

In accordance with the Authority's constitutional Urgency Provisions to deliver the requirements of Social/Physical distancing. Failure to observe statutory Health & Safety requirements could lead to legal challenge.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters Chief Executive

1. Scrutiny Committee

None

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

UK Government; Welsh Government; Public Health Wales; Leader; PEB (30.03.20, 14.04.20)

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Gold Command Action Notes		Chief Executive
Departmental Action Logs		Various Departmental action logs on CFP