

# POLICY & RESOURCES SCRUTINY COMMITTEE

2<sup>nd</sup> December 2020

## COVID-19 SERVICE UPDATE ADMINISTRATION & LAW DIVISION

**Purpose: To provide the Scrutiny Committee with the Administration & Law Division's COVID-19 service update.**

### To consider and comment on the following issues:

The reaction of, and performance of the Administration & Law Division to the challenges arising from the COVID-19 pandemic.

### Reasons:

To enable the Scrutiny Committee to satisfy itself as to the reaction of, and the performance of, the Administration & Law Division to the challenges arising from the COVID-19 pandemic.

To be referred to the Executive Board / Council for decision:   **NO**

### EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-

**Cllr. Emlyn Dole – legal services and land charges**

**Cllr. Mair Stephens – council business manager.**

#### Directorate

#### Name of Head of Service:

Linda Rees-Jones

#### Report Author:

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#### Designations:

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**EXECUTIVE SUMMARY**  
**POLICY AND RESOURCES SCRUTINY COMMITTEE**  
**2<sup>ND</sup> DECEMBER 2020**

**ADMINISTRATION & LAW DIVISION'S COVID-19 SERVICE UPDATE**

The Administration and Law Division administers the Authority's democratic process and delivers the Authority's legal and land charges service.

**Democratic Services**

1. 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.
2. 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.
3. Democratic meetings necessarily had to be suspended after this announcement and the rules governing democratic meetings at the time did not provide for wholly remote attendance meetings, and required at least 30% physical presence in the Chamber. However, in practice, democratic meetings had already ceased in the intervening period for various reasons, including some members self-isolating and quorums being difficult to achieve, and the Authority's administrative buildings being closed making it impossible to allow public access to meetings. Decision making during this period was undertaken by senior officers under emergency powers. A report on the decisions taken by officers during this period was taken to Executive Board on 01/06/2020.
4. On the 22<sup>nd</sup> March 2020 Welsh Government published The Local Authorities (Coronavirus)(Meetings)(Wales) Regulations 2020, being Regulations which temporarily relax the rules around the holding of democratic meetings and which allow for 100% virtual attendance. However, the Authority still faced various hurdles before being able to resume democratic meetings, including securing an on-line meetings software system and a method of providing Welsh translation facilities both for members and for the public. Meetings resumed on the 1<sup>st</sup> June 2020 (Executive Board), 10<sup>th</sup> June 2020 (Council's AGM), followed by the Regulatory Committees. Scrutiny Committees resumed on the 13<sup>th</sup> November 2020.
5. As far as Scrutiny Committees are concerned, the opportunity was taken over the summer – in agreement with the chairs and vice chairs of the Scrutiny Committees - to re-set Scrutiny, not least to put the Executive Board Members centre front in terms of accountability. County Council approved the amended Scrutiny Procedure Rules on the 22<sup>nd</sup> October 2020.
6. In anticipation of the new scrutiny arrangements we commissioned a series of virtual Scrutiny training sessions for members, hosted by the Centre for Governance and Scrutiny, which concentrated on the essential skills required to undertake scrutiny effectively and also skills for on-line meetings as we webcast scrutiny for the first time.

7. Although Scrutiny Committee meetings were inevitably suspended for some months, arrangements were put in place to ensure that the political groups were aware of Council business, one of these initiatives being the scheduling of weekly on-line meetings between the 4 Political Groups' Leaders, and the standard "call in" and questions without notice facility remained fully operational for Executive Board meetings.
8. Staff-wise, any capacity freed up by the absence of democratic meetings during the early period of lockdown was used gainfully, whether by staff phoning members 3 times a week to keep in touch and to deal with any covid related enquiries, deploying some democratic staff to assist with the heavy workload in Legal Services' child care team, one employee worked in a Care Home and another two employees on a part-time basis in care homes. Additionally, the switch to virtual meetings required a lot of setting up and testing of solutions, and members were trained up in the use of the software.
9. Needless to say, virtual meetings are heavy on staffing resources as more staff are needed at each meeting, as well as an IT staff member. VC software and webcasting solution is continually being reviewed to see if we can make improvements.
10. Regulations allowing, we are currently working up proposals for hybrid democratic meetings to be held come the New Year ie. part in remote attendance, some physical attendance in the Chamber.
11. As well as the Authority's own democratic meetings, School Admission Appeals (which are heard by an independent appeals panel) were similarly put on hold. Different meetings rules - the Education (Admission Appeals Arrangements)(Wales) (Coronavirus)(Amendment) Regulations 2020 – came into force on the 4<sup>th</sup> May 2020. These appeals hearings recommenced virtually on the 30/06/2020 with a backlog of 57 appeals to be heard. As well as providing administrative support to these Panels we also provide legal advice.

### **Legal Services**

12. Home working has not affected delivery of the legal service, although it has inevitably involved different ways of working. For example, court hearings have been held by remote attendance.
13. Most of the Regulations that have governed us during the pandemic have emanated from Welsh Government (although we have also had to contend with some Regulations emanating from UK Government eg. regarding Licensing, or Police & Crime Panels), and the Regulations have necessarily been continually changing during the period. The Regulations issued to date have included The Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land )(Wales) Regulations 2020; The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 and six lots of amending Regulations; The Health Protection (Coronavirus Restrictions)(No. 2)(Wales) (Amendment) Regulations 2020 and 19 lots of amending Regulations(including the amendment Regulations which declared the Llanelli health protection area); The Health Protection (Coronavirus Restrictions)(No. 3)(Wales) Regulations 2020 (the Regulations governing the 17 day firebreak period); and currently (at the time of drafting this report) The Health Protection (Coronavirus Restrictions)(No. 4)(Wales) Regulations 2020. Additionally there have been other regulations governing specific work areas, such as Rights of Way, Business Tenancies

and Residential Tenancies, not to mention Welsh Government Guidance documents which were reviewed at set periods. All these Regulations and Guidance have involved us in providing a lot of legal advice to client Departments.

14. On our property related work our Sealing Register shows that we have completed 253 deeds, documents, agreements and orders during the pandemic period (to the date of writing this report), which includes transactions such as tenancy agreements, loan agreements, s. 38 Highways Agreements, leases, underleases, transfers of land, SUDS adoption agreements, dedication agreements, grants of easement, deeds of surrender, section 106 planning agreements, legal charges, temporary road closure orders, public footpath orders, admission agreements, property development fund agreements, farm business tenancies, affordable housing agreements, Deferred Payments Agreements, discharges of registered charges, deeds of covenant, home improvements loans, and a myriad of other types of agreements and deeds. Amongst all of these, the pandemic has caused some novel pieces of work such as the creation of a suite of documentation (eg. leases and sub leases) connected with the establishment of the field hospitals, some of which have been on our own land and some on other land.
15. Early on in the original lockdown the Council took the decision to suspend the initiation of new debt recovery cases, although the County and High Courts continued to function normally, albeit using remote attendance court hearings. During this period Council's lawyers continued to progress 115 existing civil cases through the courts and brought a further 32 to conclusion. The Council has not yet re-started issuing new proceedings.
16. Again, early on in the original lockdown all Magistrates Court hearings involving the Council were adjourned to the 18<sup>th</sup> June and then the 17<sup>th</sup> July, when physical court hearings resumed, and the Magistrates Court is now operating normally (but with a backlog of cases). During this period 23 cases were dealt with in the Magistrates Court. New cases continued to be issued during this period, which related to offences committed before the 24<sup>th</sup> March 2020. To date no prosecutions have been brought for breaches of the Coronavirus Regulations.
17. Other legal work has continued as usual, for example since the original lockdown date we have handled 29 final hearings of public law child care cases and have numerous other public law care cases in progress (at different stages), handled 2 Special Educational Needs Tribunal cases, 7 adoption cases (at different stages of the process), and a number of Court of Protection Cases, discharges of care orders, private law cases (child arrangement orders in respect of contact and residence / section 37 reports for potential care proceedings) to name but a few.

### **Land Charges**

18. On the Land Charges front, 2,224 local land charges have been conducted since the 1<sup>st</sup> April 2020. As might be expected, the first quarter of the year saw a significant reduction (50%) in searches compared to 2019/20. This recovered significantly in Q2 and in Q3 seems likely to match or even exceed the 2019/20 figures. To date this has resulted in a loss of income generally of approximately £38K compared to 2019/20.
19. Searches do not have to be conducted via the Authority's own land charges team, in that buyers can conduct their own searches or use Personal Search Agents to conduct their searches. Following some case law some years ago local authorities cannot

charge for personal searches of the Register and as such, we receive no income from it. We have facilitated personal searches by providing a Council PC in Reception in 3 Spilman Street. However, the closure of the Authority's administrative buildings to the public meant that we temporarily had to stop personal searches of the Register.

20. However, this suspension of access to our administrative buildings prompted us to work on developing an online search facility and our Local Land Charges register is now on-line and can be accessed by anyone wishing to make a search from anywhere. This on-line facility went live in September.

21. Members may have read articles in the press criticising some Welsh Authorities for delays in returning search results, but we were not one of the local authorities named and our turn around times are usually 5-10 days.

DETAILED REPORT ATTACHED ?	NO
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## 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:** Linda Rees-Jones **Head of Administration & Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	Yes	No	YES	NO

### 2. Legal

Many of the Regulations which are currently in force are temporary Regulations introduced to address issues identified during the pandemic period eg. for democratic meetings to be held remotely, to provide for social distancing etc.

### 3. Finance

Our land charges income is down because of the impact of the pandemic, but the market is improving.

Some of our debt collection work will have been delayed.

### 4. ICT

We have had to invest in new video conferencing software and temporary webcasting software to enable democratic remote attendance meetings, and additional costs have been incurred in respect of translation telephone lines.

## 7. Staffing Implications

All staff within the Division are equipped for home working.

## CONSULTATIONS

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

Signed: Linda Rees-Jones      Head of Administration & Law

No consultations have been conducted in connection with the production of this report.

**1. Local Member(s) Not applicable**

**2. Community / Town Council Not applicable**

**3. Relevant Partners Not applicable**

**4. Staff Side Representatives and other Organisations Not applicable**

**EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

**Yes**

## Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Suite of Coronavirus related Regulations and Guidance		Published by Welsh Government