

PLANNING COMMITTEE ADDENDUM

2.00PM, MONDAY, 23 MARCH 2020

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

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104 (A)	Covid-19 and Democratic Decision-Making Report of the Executive Lead Officer for Strategy, Governance & Law.	1 - 6

Subject:	Covid-19 and Democratic Decision-Making		
Date of Meeting:	23 March 2020		
Report of:	Executive Lead Officer for Strategy, Governance & Law (Monitoring Officer)		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 01273 291500
	Email:	Abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason: given the rapid escalation of the situation with Coronavirus and having regard to the need to protect the health and safety of the public, Member and Officers, the Council needs to urgently put arrangements for Council and committee meetings..

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the report had to be compiled at short notice having regard to national developments.

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report proposes the establishment of an Urgency Sub-Committee of the Planning Committee for urgent decision-making during the next 4 months taking into account the risk posed by the Covid-19 pandemic but also the need to preserve democratic accountability and compliance with legal requirements. The proposals have been developed with cross-party support follow consultation with Leaders Group.

2. RECOMMENDATIONS:

2.1 That Members note the risk that running Council meetings as usual poses and the need for a different approach;

2.2 That Members agree the establishment of a Planning (Urgency) Sub-Committee with a Membership of 1 Labour, 1 Green and 1 Conservative

2.3 That Members note the general indicative approach as agreed by the Policy & Resources Committee;

- 2.4 That Members note the government's intention to consider changes in legislation to allow remote meeting and remove the need to hold annual Council on a temporary basis and that officers will review the situation and report back to members as necessary.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 As Members are aware, the City, as with the rest of the country, faces serious and acute challenge with the projected spread of the Covid-19 pandemic. The situation has escalated significantly over the week with new guidance and advice from government and Public Health England. One of the areas of concern is the risk posed by large gatherings where people may spend time in close proximity for an extended period (15 minutes or more.) Meetings of full Council and committees therefore need to be considered to ensure that they are necessary and proportionate and that all steps are taken to minimise risk.
- 3.2 The Council operates a committee system based on the Local Government Act 1972. All decisions of the Council have to be made by full Council, a Committee, a Sub-Committee or an Officer. Unlike authorities that operate an executive system, there is no provision for individual member decision-making.
- 3.3 The Local Government Act 1972 also requires that all Member level decision-making has to be done with the members physically present in the chamber or committee room where the meeting takes place. There is no facility for remote attendance, remote voting or voting by proxy. All meetings of the Council have to be open and accessible to the public, except when considering exempt (confidential) business.
- 3.4 The government have issued a statement stating that they are considering introducing legislation that would allow remote attendance and remove the requirement to have annual Council meetings. It is not known when this will take place or what the exact provisions will be.
- 3.5 Between now and the end of July, the Council has 29 Council and Committee meetings and 6 Housing Area Panel meetings. In addition, we have 33 working groups that meet at various times. These taken collectively pose a significant risk and need to be managed in a responsible way. It is proposed that the Council adopts a prudent and proportionate approach that reserves democratic decision-making and accountability on the one hand but also minimises the risk posed by the spread of Covid-19. The Council does not have committee meetings in the month of August, although there are two provisional Planning Committee meetings scheduled in the meetings diary in case they are needed.
- 3.6 The Council, through the Policy & Resources Committee, has agreed a proportionate approach, which is summarised in the chart attached as an appendix.
- 3.7 It is proposed to restrict public attendance to numbers that can be accommodated safely taking the advice from Public Health England. The public will be encouraged to watch proceedings via webcast and those wanting to ask questions, present petitions or deputations will be advised the need to minimise

attendance in person and offered the option of questions, petitions, deputations being dealt with in writing.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council has the option of continuing with the usual arrangements, but that will pose an unacceptable risk and, given the likelihood of a number of Members and Officers being affected, either because they are in a vulnerable group or an associated person being affected requiring home working or self-isolation, this is not workable. Having sought soundings, it is clear that there will be too many members affected to make this an option. The proposed approach strikes the right balance between preserving democratic decision-making and accountability and ensuring the risk is kept to a minimum.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This was discussed at Group Leaders and with the Chair of the committee, but there was insufficient time to consult with the public.

6. CONCLUSION

- 6.1 The proposed way forward is, in the opinion of officers, necessary and proportionate. It is recommended for implementation in the 4 months period with a review in September. It is also recommended that the situation be reviewed if and when legislation is made to remove some of the requirements under the Local Government Act 1972

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implication associated with report although any consequential costs will be reviewed in due course.

Finance Officer Consulted: Peter Francis

Date: 20/03/2020

Legal Implications:

- 7.2 These are included in the body of the report

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 18/03/2020

Equalities Implications:

- 7.3 There are no adverse equalities implications arising from the report. By adopting the measures proposed, there will be a reduction in the risk to vulnerable groups many of whom are likely to have protected characteristics (for example age.)

Sustainability Implications:

- 7.4 By reducing the number of meetings and restricting attendance, there will be a reduction in travel much of which contributes to carbon emission. Some of the

ways of working developed during the crisis period may also generate ideas for how we do business in the future to support the Council's climate change objectives.

Brexit Implications:

- 7.5 Given the immediacy of the challenge posed by Covid-19, some of the focus and resource will, of necessity, move away from Brexit preparations to helping the work on Covid-19.

Public Health Implications:

- 7.6 There are well organised and planned steps being taken to minimise the risk from Covid-19. It is beyond the scope of this report to even try to summarise it. But the proposals in this report will make positive contribution to the council's overall strategy.

SUPPORTING DOCUMENTATION

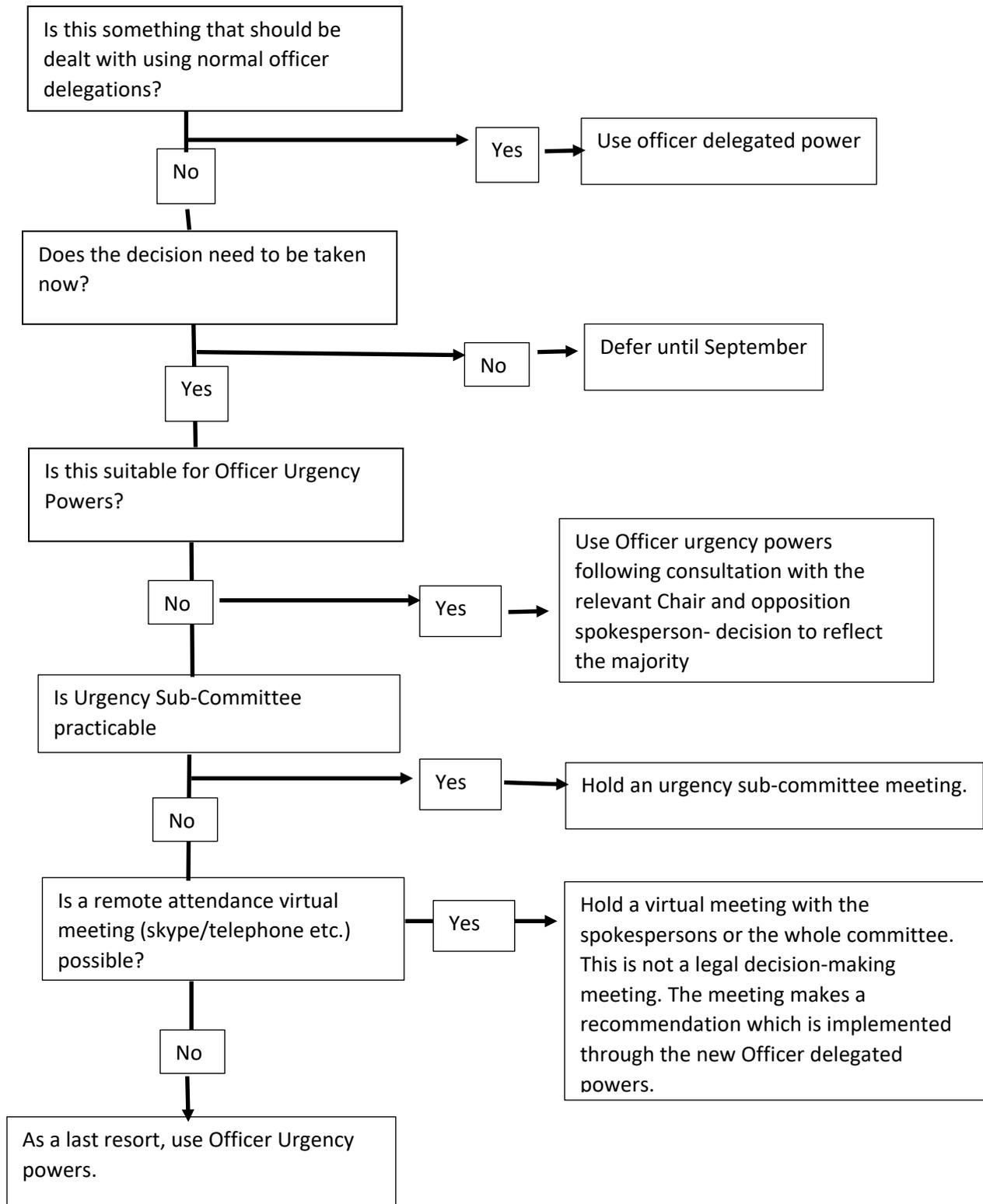
Appendices:

1. Decision-making flow chart

Background Documents

1. Council's Constitution

INDICATIVE DECISIO-MAKING FLOWCHART FOR COMMITTEES



NB: In the case of full Council, we will use best endeavours to get voluntary agreement to reduce the numbers attending to what is required for a quorum (14) or such higher number as may be agreed between the Groups

