

Special Urgency Decision

Report title	Calendar of Meetings 2020-2021	
Cabinet member with lead responsibility	Councillor Ian Brookfield Leader of the Council	
Key decision	No	
In forward plan	No	
Wards affected	All Wards	
Accountable director	David Pattison, Governance	
Originating service	Democratic Services	
Accountable employee	Jaswinder Kaur	Democratic Services Manager
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Report to be/has been considered by		

Recommendations for decision:

That the Leader of the Council, two cabinet members, and the Chair and Vice Chair of Scrutiny Board formally authorise the following decisions under the special urgency provisions as detailed in the Council's Constitution namely paragraphs 6.10 and 6.11 of article 6 authorises the following decisions under the special urgency provisions:

1. Approves the City of Wolverhampton Council Calendar of Meetings for 2020-2021.
2. Agree that Annual Council take place on Wednesday 19 May 2021.
3. Note that all post holders remain in post until the new Municipal Year starts other than where varied in line with the constitution.

This is agreed by the following:

Leader of the Council – Councillor Ian Brookfield

Cabinet member – Councillor Dr Mike Hardacre

This report is Public
[NOT PROTECTIVELY MARKED]

Cabinet member – Councillor Jasbir Jaspal

Chair of Scrutiny Board – Councillor Paul Sweet

Vice-Chair of Scrutiny Board – Councillor Jonathan Crofts

Dated – 31 July 2020

1.0 Purpose

- 1.1 To approve the proposed timetable for Council and committee meetings for 2020-2021.

2.0 Background

- 2.1 The Coronavirus Act 2020 enabled the Secretary of State to make regulations to make provisions about the way in which people could attend and participate in meetings, and the availability of documents to members of the public.
- 2.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) came into effect on 4 April 2020 and apply to local authority meetings that are required to be held, or are held, before 7 May 2021. The Regulations enable authorities to hold Committee meetings remotely provided that:
- a) There must still be 5 clear days notice of the meeting (unless urgency rules apply)
 - b) No-one needs to be physically present in the same place – this means that we do not need to open the Civic if we do hold a formal meeting
 - c) No hard copy paper needs to be produced for inspection by the public but must be posted on the website
 - d) All of the Councillors present must be able to hear (and where practicable) see each other
 - e) Members of the public must be able to hear the meeting.
- 2.3 There is no requirement to alter standing orders for meetings as the Regulations are deemed to alter them.
- 2.4 Since May 2020 the decision making committees of the Council i.e. Cabinet, Cabinet (Resources) Panel, Planning Committee, Statutory Licensing Committee, Non Statutory Licensing Committee and Audit and Risk Committee have met virtually. Scrutiny Board and Health Scrutiny Panel have also met virtually. The remote Committee meetings have worked well with members of the public and press being able to access the meetings via the Council's website and watch recordings of the meetings.
- 2.5 The new regulations have also given Councils the choice as to whether to continue to hold an Annual Council meeting prior to 7 May 2021, to postpone the annual meeting to a date later in the Municipal year or to postpone annual council completely (in both cases effectively extending the Municipal Year). In the event that the Annual Council was postponed (or not held at all) the postholders ordinarily appointed by Annual Council would continue in post, unless otherwise varied in line with the Constitution.

3.0 Calendar of Meetings Year 2020 – 2021

- 3.1 As the remote meetings held to date, have worked well it is proposed that the Council now move to re-start all Council meetings using the remote meetings power. On that basis a proposed schedule of meetings is attached at Appendix 1. The position will be reviewed on a regular basis in the light of national guidance and guidance from the Council's Director of Public Health.
- 3.2 The proposed Calendar of Meetings for 2020-2020, which was drafted in consultation with the responsible officers for each body and addresses issues raised by Councillors and officers in relation to the current year's timetable, is attached as an Appendix 1.
- 3.3 At the request of the Finance Team the February 2021 Cabinet meeting has been scheduled to take place in half term week, this would allow the Finance Team sufficient time to prepare the budget report.
- 3.4 The name of Non-Statutory Licensing Committee has been amended to Public Protection Committee to better reflect the Terms of Reference of the Committee.
- 3.5 Amendments to the programme of meetings can be agreed during the year by the relevant bodies or by councillors and officers as set out in the Council's Constitution
- 3.6 The meetings will be hosted via Microsoft Teams Live Events and it is intended, at the time of this decision, that they are held remotely however the decision as to whether the meeting is held remotely, physically or in hybrid form (ie with some councillors/officers physically present and others attending remotely) will be taken by the Chair of the meeting in advance with advice from relevant officers.
- 3.7 Council meetings will take place in a hybrid form in accordance with public health regulations and guidance. A risk assessment will also be carried out to satisfy the requirements of the regulations and take any legal advice as necessary. Should any Council decisions be required and it is not possible to convene a Council meeting the use of urgent powers will be continued.
- 3.8 Members of the public wishing to view the meetings can access the link on the council's website under the relevant committee page.
- 3.9 It is proposed that Annual Council is postponed, in line with the relevant legislation to May 2021, this would mean that the relevant postholders, including the Mayor and Deputy Mayor, would remain in post until Annual Council in May 2021. All other postholders would remain in place unless varied in line with the Constitution.

4.0 Reasons for Special Urgency

- 4.1 In the light of the current situation involving COVID-19 the Council has been using the powers to hold remote meetings save for full Council, decisions which would normally be made by full Council are being made using urgent action powers as are decisions which need extreme

urgency. These powers are to be used sparingly and the guiding principles for any decisions are:

Only those decisions that have to be made (i.e. as a result of Covid-19 or related matters, including support of businesses in this difficult time or as a result of an immovable deadline) will be made

The decisions will be made or endorsed (where the decisions have to be made very urgently) using the Urgent Action powers

The decisions will be made available on a regular basis to Councillors through the daily update to Councillors and in any event through a weekly roundup of the decisions made through the relevant pages on the Council's website so that the Public can access them.

The relevant powers under the Constitution are:

Council Decision

6.10 Urgent Decisions outside the Budget or Policy Framework

An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.

6.11 Cabinet Decision

Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Director, in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.

The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 4, although they may be examined after implementation to determine whether the justification for the course of action was appropriate

4.2 These proposed decisions fall into the criteria for urgent decisions set out above.

5.0 Reason for decision

5.1 Approving the Calendar of Meetings 2020-2021 will allow all committees of the Council to take place.

6.0 Evaluation of alternative options

6.1 The alternative option is to continue making decisions by decision making committees and Special Urgency Powers.

7.0 Financial implications

7.1 There are no financial implications associated with the recommendation in this report.
[GE/13072020/N]

8.0 Legal implications

8.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 permit virtual meetings taking place and also removes the requirement of Annual Council Meetings taking place within a given timeframe.
[DP/20200709/A]

9.0 Covid implications

9.1 Due to Covid-19 initially all physical meetings of the council were cancelled and the council utilised urgent powers to make decisions which required council approval. Since The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have come into force the Council has resumed decision making committees and some scrutiny meetings.

10.0 Schedule of background papers

10.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

11.0 Appendices

11.1 Appendix 1: Calendar of Meeting 2020-2021.