



Implemented 23rd March 2020 until further notice

URGENT DECISION MAKING GUIDANCE

In accordance with the Constitution, the Council undertakes its business via a range of functions, namely Council meetings (Full Council, Executive and Regulatory committees), Scrutiny meetings, Executive Member Decisions and Officer Decisions.

In response to national advice and guidance in respect of COVID-19, the Council is unable to sustain all of the above mentioned functions and hence an urgent Scheme of Delegation is required to enable business as usual decision making to still take place safely and as transparently as possible. There also needs to be a mechanism in place which can ensure the Council can make urgent decisions so as to fully protect and meet the best interests of the Council, its staff and residents.

City of York Constitutionally prescribed meetings

All of the following meetings require agendas to be published 7 days prior to the meetings taking place. It is therefore proposed that the following will be enacted temporarily or until otherwise advised:

Meeting	Proposals	Comments (including dates)
Full Council	<p>If there are no agenda items requiring (for statutory reasons) a decision of Full Council then the meeting is cancelled</p> <p>There are existing provisions for an Extraordinary Meeting or Special Meeting to be convened if required</p>	<p>26th March 2020 – cancelled</p> <p>Quoracy: 12 Members</p> <p>5 Liberal Democrat; 4 Labour; 1 Green Party; 1 Conservative; 1 York Independents 0 Independent</p>
Annual Council	<p>There is a statutory requirement to appoint a Chair of the Council for CYC this is the Lord Mayor</p>	<p>21st May 2020</p> <p>This is likely to be a scaled down event with no ceremonial activity</p>

		<p>Quoracy: 12 Members</p> <p>5 Liberal Democrat; 4 Labour; 1 Green Party; 1 Conservative; 1 York Independents 0 Independent</p>
Executive	<p>If there are no agenda items requiring a decision of the full Executive then the meeting will be cancelled</p> <p>Use alternative scheme of delegation where possible.</p>	<p>19th March 2020 – agenda already published</p> <p>7th May 2020 – Meeting arranged. Agenda to be published on 29.04.2020</p> <p>Quoracy: minimum of 4 Members</p> <p>See alternative scheme of delegation for decision-making</p>
Executive Member Decision sessions	<p>All meetings cancelled</p> <p>Use alternative scheme of delegation</p>	<p>Various dates all now cancelled.</p> <p>See alternative scheme of delegation for decision-making</p>
Scrutiny Committees	All meetings cancelled	<p>Various dates</p> <p>Consideration will remain on-going as to when these are re-established</p>
Audit and Governance Committee	All meetings cancelled unless there is a statutory decision required relating to the Statement of Accounts and Annual Governance Statement	<p>8th April 2020 – cancelled</p> <p>Legislation has now extended the statutory timeframes</p>
Licensing Committee (regulatory committee)	<p>Meetings will be convened dependent on the agenda item(s) requiring a decision.</p> <p>Standard agenda items will be removed from the agendas</p>	<p>Various</p> <p>Quoracy: minimum of 4 Members (2 Liberal Democrat, 2 Labour)</p> <p>An alternative scheme of Officer delegation is available (detailed within</p>

		this Guidance) should meetings be cancelled
Planning Committee (regulatory committee)	Meetings will be convened dependent on the agenda item(s) requiring a decision. Standard agenda items will be removed from the agendas	Various Quoracy: minimum of 4 Members (2 Liberal Democrat, 2 Labour) An alternative scheme of Officer delegation is available (detailed within this Guidance) should meetings be cancelled
Staffing Matters and Urgency	Meetings will be required on an as and when basis	24 th March 2020 (cancelled) Quoracy: 4 members (existing membership is retained)
Shareholder Committee	All meetings cancelled	
Joint Standards Committee	All meetings cancelled	

Please note that the council will continue to live stream (subject to staff availability) all published meetings.

Please note that quoracy refers to the legal minimum of Members required to attend a meeting.

Public Participation and role of the Media

The Public Participation Scheme provides that members of the Public may register to speak at any constitutionally prescribed meeting, attend and speak for up to 3 minutes on an item of council business which is relevant to an agenda item for that meeting.

The media are entitled to be present at all constitutionally prescribed meetings which are held in public.

PLEASE NOTE: There are different public participation procedures in place for both Licensing and Planning Committees

Proposal

In the event that a Committee is convened the following is proposed:

- In light of recent national guidance members of the Public are still entitled to participate but will not be able to physically attend any meetings which may be convened. This will be reviewed alongside any changes in legislation;
- Member of the public are encouraged to send written representations for consideration via email to democratic.services@york.gov.uk
- These will be considered by the Decision maker/relevant Committee and responded to as part of the debate.
- Live Streaming of meetings will continue and be accessible to member of the public where Members are present

Media:

- The Local Democracy Reporter and other registered journalists, will be encouraged to view the meeting via the council's existing live stream facilities as opposed to physical attendance at the meeting.

Provisions for Licensing and Planning Committees

These meetings will not be convened unless the Monitoring Officer receives a request for a meeting from the relevant Chief Officer. The request will be reviewed to ensure that it meets the urgency requirements.

In the event that a meeting is convened, and in the absence of legislative changes the pared down arrangements will apply.

Separate arrangements will be made to accommodate any applicants or agents whose views are sought.

The revised proposals for public participation will apply in all instances.

Emergency arrangements for all Regulatory Decisions

In the event that West Offices is “locked down” or there is national guidance which prohibits meetings taking place the following will be enacted:

All Regulatory functions (Planning and Licensing) will revert to the Deputy Chief Executive who, in consultation with relevant Members and Chief Officer(s), shall make all decisions deemed to be necessary and urgent at that time.

In doing so, the Deputy Chief Executive will still consult with the Chief Finance Officer and the Monitoring Officer.

These arrangements will be reviewed in line with any changes in legislation.

Urgent Scheme of Delegation for Decision-Making

Decisions to be taken by the Leader of the Council:

Provisions under the current Constitution: [Responsibility for Functions Section 3B]

The Leader is classed as an Executive Member and as such decision-making function is limited to the following:

1.4. Individual Executive members may make any decision relating to the functions within their portfolios with the exception of:

- Key decisions as defined by the Council's Constitution;
- Decisions which in the opinion of the Executive Member significantly cut across portfolios;
- Other decisions which the Leader determines should be made collectively by the Executive.

In the event that the Leader is required to make a decision this will be in accordance with the established procedures for an Executive Member decision in that the meeting will be with a published agenda and live streamed.

PLEASE NOTE: In the event that West Offices is "locked down" or national guidance prohibits meetings taking place these arrangements for a published meeting cannot be made and therefore all decisions required will revert to Officers in consultation with relevant Members as detailed within this Guidance.

Staffing Matters and Urgency Committee

The Committee CAN:

- Authorise all non-executive functions (other than those which must by law, be exercised by Full Council), in circumstances of urgency, where it is necessary to obtain a decision on any matter without delay.

For clarity, in respect of urgent decisions this committee does NOT have the ability to

- Make urgent key decisions;
- Make urgent decisions in respect of Executive functions.

The committee may be consulted by the Leader when making a decision relating to an Executive function.

Decisions to be taken using the Urgent Powers of the Chief Executive

Constitutional provision: Responsibility for Functions – Officer Scheme of Delegation Part 3D.

The Chief Executive has the following delegations:

- To take such immediate action as he/she considers necessary to implement the Council's peace time emergency planning scheme;
- The Chief Executive or his/her nominated deputy has the power to take any decision, including a key decision, in a situation where the matter is so urgent that it does not allow time for a report to be considered by the Council, the Executive, the relevant Executive Member or the appropriate Committee. Wherever possible, in the case of any key decisions, such decisions shall be made in consultation with the Leader or the Deputy Leader. The decision shall be reported to the next appropriate and available meeting.

The Deputy Chief Executive has the following powers:

- The Council will designate one of the Directors as the Deputy Chief Executive for the time being. Such designation shall carry with it the delegation to exercise all and any of the Chief Executive's specific delegated functions, during any period where the Chief Executive is absent in the sense that he/she is not in a position to exercise the powers of the Chief Executive, for example due to sickness, incapacity, or being out of contact in the case of emergency.

Proposal

Please note this excludes those decisions which are required to be made by the following Officers in their statutory capacity:

- Corporate Director for Health, Housing & Adult Social Care
- Corporate Director for Children, Education & Communities
- Chief Financial Officer (s151)
- Chief Legal Officer (Monitoring Officer)
- Director of Public Health

It should be noted that following an earlier decision of Staffing Matters and Urgency Committee, the Deputy Chief Executive is authorised to undertake all responsibilities previously undertaken by the Chief Executive.

Unless stated otherwise, the Deputy Chief Executive will act as the Council's decision maker for all decisions which are deemed necessary for the on-going delivery of the Council's day to day business during this period of national emergency.

FOR THE AVOIDANCE OF DOUBT in respect of all decision-making requirements the Deputy Chief Executive is also the Council's Interim Head of Paid Service.

When considering each decision, the Deputy Chief Executive will receive a sufficiently detailed report from the relevant/appropriate Corporate Director. As a mandatory minimum, each report will detail implications relating to Finance, HR and Legal.

It is essential that the Deputy Chief Executive prior to making the decision will proactively consult with:

- The Leader of the Council and in his absence the Deputy Leader of the Council;
- Relevant Portfolio Holders and other Members where necessary and/or appropriate;
- The Chief Finance Officer (s151 Officer);
- The Chief Legal Officer (Monitoring Officer);
- Head of HR (where relevant and appropriate);
- Director of Public Health (where relevant and appropriate).

Once the decision has been taken, the decision record and the detailed report will be provided to the Monitoring Officer and in his/her absence the Head of Democracy, and arrangements will be made for the decision to be published via the Council's Committee Management system (modern.gov). The decision template will record the views offered by the Leader (or Deputy Leader) and other consultees.

When business as usual arrangements are resumed, all decisions made will be reported on a retrospective basis by the Monitoring Officer to the relevant Committee.

PLEASE NOTE: All reports and decisions will be via the approved revised formats attached to this guidance.

Directors:

(For clarity this is the Corporate Director of Health, Housing & Adult Social Care, Corporate Director of Children, Education & Communities, Corporate Director of Economy & Place and the Director of Public Health).

Directors do have decision making powers in the Constitution as follows:

- All Directors have the power to take decisions in relation to the discharge of the Council's and Executive's functions within their area of responsibility and which have not been reserved to Council, the Executive and Executive Member or a Committee.

In the event that a decision as detailed above is required from Council, the Executive and Executive Member or a Committee, these will revert to the Deputy Chief

Executive for determination, in consultation with relevant Members, under the revised Scheme of Delegation.

Additional Delegation:

Under the provisions of the Council's Constitution, the Monitoring Officer has amended the Constitution to allow for the following arrangements to add much needed resilience at this time:

The Deputy Chief Executive at his discretion, but following proactive consultation with the Leader of the Council and in his absence the Deputy Leader of the Council, is able to designate a Director to undertake all decisions on his behalf in the event of the following circumstances:

- Conflict of interest; and/or
- Incapacity; and/or
- He cannot be contacted.

The designation of a Director in these circumstances shall be reported to the Monitoring Officer and that Director must follow the terms of this Guidance when required to make a decision i.e. consultation with relevant Members and key officers where necessary and appropriate etc.

For transparency reasons this decision was presented to Staffing Matters and Urgency Committee on 24th March 2020.

Recording and Reporting of Decisions made

All decisions made will be recorded by the Monitoring Officer and published on the Council's website each Friday at 12 noon.

Forward Plan

Until further notice, the following revised arrangements will apply:

- It is anticipated that there will be limited or no new requests during this emergency period for items to be added to the Forward Plan. Whilst the Council has suspended its usual decision making procedures, arrangements are now established for all decisions to be undertaken by the Deputy Chief Executive where necessary. Appropriate arrangements will however be made for regulatory functions and these queries should be directed to the Monitoring Officer.

All queries in respect of this Guidance should be reported to the Monitoring Officer.

The Monitoring Officer, shall take all steps to ensure this Guidance remains under review fit for purpose at all times until further notice and that it remains fully compliant with any proposed changes in legislation.

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