

AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Town Hall on Wednesday, 18th March, 2020

PRESENT: The Mayor (Councillor Sayonara Luxton), The Deputy Mayor (Councillor Gary Muir) and Councillors Gurpreet Bhangra, Carole Da Costa, Jon Davey, Karen Davies, Catherine Del Campo, Phil Haseler, Geoff Hill, Andrew Johnson, Greg Jones, Lynne Jones, Ewan Larcombe, Ross McWilliams, Samantha Rayner, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, Helen Taylor and Simon Werner

Officers: James Carpenter, Mary Severin, Duncan Sharkey, Karen Shepherd, Elaine Browne, Maddie Pinkham and Adele Taylor

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Baldwin, Baskerville, Bateson, Bond, Bowden, Brar, Cannon, Carroll, Clark, Coppinger, W. Da Costa, Hilton, Hunt, Knowles, Price, Reynolds, Story, Targowski, Tisi, Walters

90. DECLARATIONS OF INTEREST

None received

91. CONSTITUTIONAL AMENDMENTS: EMERGENCY DECISION-MAKING POWERS

The Managing Director explained that the report had been brought forward following considerable concern from a number of Members across all parties about the continuation of public meetings during the current Covid-19 crisis, and the advice from government on limiting contact. The borough had a high number of care homes and elderly residents per capita and therefore the council needed to be fully aware about what it did as an organisation and show community leadership in how it reduced physical contact. Officers would not have wished to bring the report to Members given a number of difficulties, however the Local Government Act 1972 did not make any provision for councils to hold meetings without the public element of councillors being present in the room. Therefore there was no way of cancelling meetings and continuing to transact council business under the current legislation.

The government had committed to emergency legislation to amend the situation and allow virtual meetings to take place. It was hoped that the legislation would be in place quickly, however there would then be the issue of ensuring the technology was in place. Therefore even once legislation was in place there would be a few weeks before the council could move to virtual meetings.

The recommendations in the report would allow Members to cancel all scheduled meetings but still allow the important business to be transacted that would be unfair to local people if it were not to continue. This particularly related to decision-making responsibilities of committees and panels covering licensing and planning. All the existing mechanisms to allow those decisions to be taken would remain, including prior notification, the opportunity for objections to be submitted, consultation and publication of decisions. The only difference was that anything that would have been going to a panel for decision would be dealt with by an officer. The delegation in the

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recommendation was to the Managing Director but, if approved, he would immediately sub-delegate to the relevant qualified professional officers.

The majority of the council's meetings were not decision-making meetings therefore they would simply be in abeyance for an indefinite period. The proposals did not change the arrangements for Cabinet meetings; those decisions could be delegated under current legislation to the Leader, an individual Cabinet Member or an officer. Cabinet meetings could still continue but it was likely that decisions would be taken by the relevant individual Cabinet Member thereby reducing the number of people required in a room to take the decision. These meetings would continue to be public meetings therefore members of the public could turn up to attend which could increase the number of people in a room but, from a council perspective, would limit the number of Members and officers required to be physically present to transact business. The report also did not affect the powers of full Council meetings as these powers could not be delegated. Whilst it cancelled all scheduled meetings, if a full Council meeting were required, one could be called.

There were a number of meetings scheduled for the current week, including a Development Management Panel that evening due to consider two applications. The recommendation if approved was to cancel all scheduled meetings with immediate effect; Members could consider amending it to be effective from 19 March 2020 to allow the Development Panel meeting to take place.

Councillor Johnson proposed the motion, which was seconded by Councillor Rayner.

Councillor Johnson commented that this was not a report he had ever envisaged bringing to full Council. The scale of the Public Health crisis was such that whilst there was an overriding need to continue with decision-making, the council also had a duty of care to its staff, Members and the public. Cabinet decision-making would continue albeit on a slimmed down basis. There were a number of Members of Cabinet who had been advised to stay away from council offices due to their individual health circumstances. Decisions would continue to be taken in the open but there would be a reduction in business transacted to focus on operational decisions that ensured core functions were provided. In the spirit of openness, in the case of any decision deemed as of strategic nature or of interest to members of the public, he would look to engage with the Opposition, on a case-by-case consultation basis. He had no wish to push through business the Opposition may feel was contrary to the views of residents. The key focus would be to continue to provide services residents expected and help the local economy, including support for the business and voluntary sector.

Councillor Davies joined the meeting at 10.45am

Councillor Werner stated that he broadly agreed with Councillor Johnson and was glad that he had assured Members that only operationally critical decisions would be taken, not controversial ones that were not needed. He also welcomed the fact that decisions would be taken in the open. Councillor Werner stated that scrutiny and consultation would be a big issue for the Opposition therefore he proposed the recommendation be amended to include consultation with both the Opposition Group Leaders.

Councillor Jones seconded the motion to amend the recommendation. She had put forward the idea of a panel of five Members to review reports before they went to

Cabinet but with the Leader's assurance that the Opposition would be fully involved, she could see the way forward. She requested a timescale for review of the situation be included in the recommendations.

The Managing Director confirmed that scrutiny processes relating to Cabinet decisions would continue. If a valid call-in was submitted, a Panel meeting would be called.

Councillor Johnson commented that the proposed amendment would see the Leader of the Liberal Democrats being consulted on planning decisions when he was not currently a member of a Development Management Panel.

Councillor Werner therefore suggested the amendment be worded as follows:

'3. Powers of the Managing Director

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3.8 In an Emergency, to make decisions currently delegated to Committees or Panels, in consultation with the relevant senior qualified officer(s), Chairman of the relevant Committee or Panel, *and the Principal Lead Opposition Member from each of the Opposition Groups of the relevant Committee or Panel*, and others deemed necessary according to the requirements of the decision at hand. Emergency is defined as a time of direct or indirect imminent, serious danger requiring immediate action for the safety of the public, officers or Members, whether individually or as a group.'

It was suggested that the situation should be reviewed by a full Council meeting in June 2020 if required.

Councillors Johnson and Rayner accepted both proposed amendments.

Councillor Del Campo asked what would happen if there were a large or controversial planning application with significant public interest or large associated public campaign. She asked if the decision could be deferred or a special meeting be called. The Managing Director explained that unfortunately the decision for Members was to either delegate or not to delegate. Relevant officers could refuse to take a delegation but this would not happen on a regular basis otherwise it would defeat the point of the delegation. The Managing Director suggested that, for example, if an application came in for 5000 houses or for a nuclear power station then officers would likely refuse the delegation and call a Panel meeting. He reminded Members that the full consultation processes would remain in place under the delegation.

Councillor Haseler commented that as Chairman of Maidenhead Development Management Panel he was consulted as to whether or not he wished to call in enforcement action to a Panel meeting. So far he had not felt the need to do so. He asked if there was any scope for the same to happen with the proposals in the report. It was confirmed that consultation with the Chairman of the relevant Panel or Committee was already included in the proposed wording to be added to the constitution.

Councillor Larcombe stated that he wished to raise a number of unresolved issues, including funding for the River Thames Scheme. He was advised that as the item was

not on the agenda it could not be debated The Managing Director offered to speak to Councillor Larcombe outside of the meeting.

Members agreed that the recommendations should be implemented immediately, therefore the Development Management Panel that was scheduled for that evening would be cancelled. It was confirmed that if the situation continued for a lengthy time, dispensations for non-attendance at a council meeting for a period of 6 months could be applied.

The Managing Director confirmed that if he were unable to act through illness or for any other reason, a system was already in place to allow any of the Directors to fully deputise and act in his absence. If the recommendations were approved he would immediately sub delegate to appropriate qualified professional officers and ensure there was a process in place if they were unable to act.

It was proposed by Councillor Johnson, seconded by Councillor Rayner, and:

RESOLVED UNANIMOUSLY: That full Council notes the report and

- i) **Agrees that all scheduled council meetings included in the programme of meetings agreed by Council on 26 February 2019 and 25 February 2020 be cancelled with immediate effect. The decision to reinstate council meetings at an appropriate time shall be delegated to the Managing Director, subject to arrangements to be reviewed by a full Council meeting in June 2020 if requested.**

- ii) **Approves the following amendment to the constitution (wording to be added to Part 5A – Scheme of Delegation):**

3. Powers of the Managing Director

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3.8 In an Emergency, to make decisions currently delegated to Committees or Panels, in consultation with the relevant senior qualified officer(s), Chairman of the relevant Committee or Panel, and the Principal Lead Opposition Member from each of the Opposition Groups of the relevant Committee or Panel, and others deemed necessary according to the requirements of the decision at hand. Emergency is defined as a time of direct or indirect imminent, serious danger requiring immediate action for the safety of the public, officers or Members, whether individually or as a group.

- iii) **Agrees that for this current Covid-19 crisis, if legislation is brought into effect to change the law so that ‘virtual’ meetings can be held, and provided the Council has the technology to ensure this can be provided, meetings will revert back to the council meeting schedules which were agreed by Council on 26 February 2019 and 25 February 2020.**

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The Mayor commented that the borough had the highest number of care homes and elderly people per capita in the country. She urged care facilities to take precautions to reduce exposure to the virus. To reduce the problem of social isolation she suggested councillors ask residents to help vulnerable people in their community by doing simple things such as making a phone call or doing some shopping on their behalf. She was aware a lot of shops were opening an hour early to allow vulnerable people to shop but this was limited so others should offer to help.

On behalf of the borough, the Mayor thanked those who were keeping people safe, delivering supplies and those working in the NHS, especially those working round the clock to find a cure. She urged all to be kind and generous. If everyone helped, the number of infections would reduce. She urged leaders to provide the correct facts to enable people to make informed decisions.

Councillor C. Da Costa raised a concern that not everyone who offered to help would do so for honest reasons therefore she asked how safeguarding could be ensured. The Mayor commented that this was why she was urging councillors as local community leaders to make the phone call or offer help. The Managing Director commented that draft guidance on community support had been issued to Members the previous evening, which could be circulated to community groups. The council was working with GPs and other partners to identify vulnerable individuals and groups in specific areas. The issue required community leadership but this was not just the responsibility of the council. Everyone needed to take ownership in their local community. The council's role was not to instruct community groups but to provide them with information and guidance. Through local leaders gaps in community action could be mapped. The council could not manage everyone's intentions nor did it have the resources to DBS check everyone, but it could give advice to help people set up community groups if they wished. Information was available on the Covid-19 page on the council's website. The Managing Director reminded Members that the legislation relating to protection of personal data had not changed and needed to be taken into account.

Councillor Johnson commented that sadly there was a lot of misinformation and misguided information on social media. He urged all to direct residents to trusted sources of information including the Department for Health and other relevant government departments or relevant public body.

The meeting, which began at 10.30am, finished at 11.05am.

CHAIRMAN.....

DATE.....