

Record of a decision by the chief executive under emergency powers

Decision made by	Mark Stone, Chief Executive
Key decision?	No
Date of decision (same as date form signed)	18 May 2020
Name and job title of officer requesting the decision	Margaret Reed, Head of Legal and Democratic
Officer contact details	Tel: 01235 422550/06801 203603 Email: margaret.reed@southandvale.gov.uk
Decision	<p>In exercise of the chief executive's (head of paid service) specific delegation 4.3 in the constitution of South Oxfordshire District Council and Vale of White Horse District Council published on 11 October 2019 "To take any action considered necessary in an emergency." (in consultation with group leaders), I agree</p> <ol style="list-style-type: none"> 1. to adopt the Virtual Meeting Procedure Rules attached at appendix one to this decision, to apply from the date of this decision until 6 May 2021 or until the rules are adopted or amended by Council, whichever is the earlier; 2. temporary changes to the delegations to the head of planning in the council's constitution to allow alternative arrangements for the determination of applications that would ordinarily be determined by the council's planning committee as set out in appendix two to this decision, to apply from the date of this decision until 6 May 2021 or until the revised scheme of delegation is adopted or amended by Council, whichever is the earlier; 3. that site visits need not be made by the Planning Committee between now and 6 May 2021 or until the head of planning, in consultation with the chair of the Planning Committee, is satisfied that they can be conducted safely, whichever is the earlier; 4. to authorise the head of legal and democratic to make the necessary changes to the constitution and to make any minor or consequential amendments to the constitution and the rules for consistency and to reflect the council's style guide; 5. to review the arrangements after six months.
Reasons for decision	1. Since government announced the lockdown due to Covid-19

on 23 March 2020 the majority of council staff have been working remotely with some colleagues being redeployed to new frontline services on Covid-19 that support our communities.

2. During the ongoing Covid-19 outbreak some council services have temporarily ceased providing a service, whilst others with statutory functions, have continued to provide a service to our customers, this includes planning.
3. All formal council meetings, including the Planning Committee, have currently been postponed to ensure we respect the principles of social distancing. However, the government has temporarily removed the legal requirement for local authorities to hold public meetings in person during the coronavirus pandemic and handed local authorities' new powers under the Coronavirus Act 2020 and associated regulations to hold virtual public meetings through video or telephone conferencing technology from 4 April 2020. This new power is in place until 6 May 2021.
4. In announcing the new powers the Secretary of State for Housing, Communities and Local Government, the Rt Hon Robert Jenrick MP confirmed in a press release, 3 April, that the new powers will enable councils to make effective and transparent decisions on the delivery of services for residents and ensure that local democracy continues to thrive.
5. The Secretary of State said.

“Local authorities are the backbone of our democracy and they are playing a vital role in the national effort to keep people safe. It’s critical that they continue to provide essential services and find innovative ways to maintain important economic functions they perform like the planning system and they will now be able to do so.”
6. This change and new powers will support councillors, staff and customers to follow the government’s current advice to stay alert, control the virus and save lives whilst being able to run important services and hold public meetings virtually to maintain transparency expected in local decision making.
7. The Chief Planner letter 24 March 2020 and MHCLG response to the Vale Leader, 22 April 2020, both emphasize the importance of keeping the planning system moving, so it can play its part in supporting the economic recovery. They suggest prioritising decision making, take an innovative approach using all options available including the use of technology to continue the service and ensure discussions and consultations can go ahead. MHCLG advised “The

government would also encourage local planning authorities to consider delegating committee decisions where appropriate.”

8. Officers' have reviewed other council approaches to decision making that includes virtual committee meetings and have considered advice from national professional bodies; Lawyers in Local Government (LLG), the Association of Democratic Services Officers (ADSO) and the Planning Advisory Service. These have informed the Virtual Meeting Procedure Rules attached. In addition, officers will produce protocols to assist both councillors and officers when participating in virtual meetings.
9. Agenda will be provided electronically along with a link to join each virtual meeting. Meetings will be live streamed so that the public can listen or watch. They will be available to view from a link published on the website after each meeting. Initially, public engagement will only be by way of invitation (e.g. for licensing hearings). For meetings of the Planning Committee, the public who have already registered an interest in the planning application may submit a written statement submitted in advance of the meeting which will be circulated to committee members and published on the website. The operation of this will be kept under review, it may be possible to return to public speaking at meetings and the ambition of the council is to do so.
10. Changes to the constitution, set out in appendix two, will allow increased delegation to the head of planning and alternative arrangements for the determination of applications in respect of prior approvals or notifications. In respect of the determination of planning applications minor applications will no longer automatically be referred to the planning committee where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council. There will be a mechanism for the local ward councillor to call in applications to the planning committee. Prior approvals and notifications will not be referred to the planning committee. These have strict time limits and it is often the case that the relevant works/development are effectively permitted if the council does not respond within the set timeframe.
11. It is also suggested, in respecting the current Government advice of social distancing, that we hold no committee site visits for the time being. There is normally sufficient information, through submitted application plans, officer's report and photographs along with the submitted representations to make an informed decision on an application. The committee is now also more experienced in making planning decisions based on the information

	<p>provided, having been in operation for almost a year. If this approach is agreed for this temporary period, then this will require a temporary change to the constitution.</p> <p>12. The changes will be reviewed after six months in light of experience. In the meantime, their operation will be kept under review by the head of planning and a review can be brought forward should operational needs require it. There can be informal updates to councillors in the meantime on planning workloads and feedback from stakeholders.</p> <p>13. As a consequence of these changes, the Statement of Community Involvement (SCI), which sets out how we engage with our residents and businesses over planning matters will need to be updated. This will be done separately by an individual Cabinet member decision by the Cabinet member for Planning.</p>			
Alternative options rejected	Not to use emergency powers in this way would mean the council would have no provisions for taking decisions that are reserved to committees, such as planning and licensing decisions.			
Legal implications	The Coronavirus Act 2020 and associated regulations provide for councils to hold virtual public meetings through video or telephone conferencing technology from 4 April 2020 until 6 May 2021. A decision needs to be made by the chief executive acting under his emergency powers to adopt the Virtual Meetings Procedure Rules and to make temporary changes to the scheme of delegation to the head of planning.			
Financial implications	There are no direct financial implications arising from this decision.			
Other implications	None.			
Background papers considered	None.			
Declarations/conflict of interest?	None.			
Declaration of councillors consulted ?	Group leaders consulted by email on 15 May 2020			
List consultees		Name	Outcome	Date
	Group leaders	Robin Bennett Sue Cooper Stefan Gawrysiak Simon Hewerdine	No comments No comments Agree No	16/5/2020

		Mocky Khan Jane Murphy	comments Agree No comments	18/5/2020
	Legal	Margaret Reed	Agree	14/5/2020
	Finance	N/A		
	Human resources	N/A		
	Sustainability	N/A		
	Diversity and equality	N/A		
	Communications	N/A		
	Senior Management Team	Adrian Duffield Suzanne Malcolm Margaret Reed Mark Stone	Agree	14/5/2020
Confidential decision? If so, under which exempt category?	No.			
Call-in waived by Scrutiny Committee chairman?	N/A			
Has this been discussed by Cabinet members?	Yes, informally.			
Chief executive's signature To confirm the decision as set out in this notice.	<p style="text-align: center;">  Signature Date 18 May 2020 </p>			