

**Name of meeting:** Cabinet (held virtually)

**Date:** 1 May 2020

**Title of report:** Report on Decisions taken during the COVID-19 Pandemic to date for agreement and/or note

**Purpose of report:** To set out Decisions taken to date by the Chief Executive (and others) using Emergency Powers for the period from 16 March 2020 to date to seek approval and/or noting and to describe some of the new roles of the Cabinet during this period.

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|--|--|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Yes but see below  |
| Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?  | No – this report was not anticipated in the forward plan but some of the decisions reported here were in the plan. Decisions were taken using Emergency Powers which were required to be used arising from the immediate impact of the Covid 19 pandemic |
| The Decision - Is it eligible for call in by Scrutiny?   | No see above   |
| Date signed off by <u>Strategic Director</u> & name  | Jacqui Gedman 23/04/20   |
| Is it also signed off by the Service Director for Finance?   | Eamonn Croston 23/04/20  |
| Is it also signed off by the Service Director for Legal Governance and Commissioning?  | Julie Muscroft 23/04/20  |
| Cabinet member <a href="#">portfolio</a>   | The Leader   |

**Electoral wards affected:** Potentially all

**Ward councillors consulted:** None

**Public or private:** Public

**Has GDPR been considered?** Yes

## **1. Summary**

- 1.1 This report marks the beginning of restoring formal Cabinet decision making in Kirklees. It describes the move from emergency decision making to re-opening democracy through virtual Cabinet meetings.
- 1.2 The report also sets the blueprint for renewed political leadership in Kirklees. New Cabinet responsibilities will focus members' energy on the immediate consequences of the pandemic: to protect lives, livelihoods and the most vulnerable members of the community. The new portfolios lay the foundation for Kirklees' recovery in the long term and how the council will adapt to its changed circumstances.
- 1.3 As a result of the COVID-19 pandemic it was not possible to maintain social distancing measures and at the same time to be in compliance with the provisions of the Local Government Act 1972 which require Members to be physically present at a meeting to enable them to take decisions. This includes Cabinet meetings, Planning, Licensing, Council etc.
- 1.4 In the week beginning 12 March 2020 a number of meetings were cancelled and with effect from 24 March all meetings were cancelled.
- 1.5 This report sets out how decisions have been taken during this period, having regard to the powers that already exist in the Council's Constitution. These include Emergency Powers of the Chief Executive, [as well as other delegations which are given to Strategic Directors and Statutory Officers which are also set out in the Constitution].
- 1.6 A number of decisions taken by the Chief Executive during this period require to be reported back to the first meeting of Cabinet which Cabinet is asked to endorse and note. This report seeks to do that, it also informs the meeting about other Emergency decisions taken.

## **2. Information required to take a decision**

- 2.1 Since the middle of March it has not been possible for Members to meet together and take decisions at Cabinet or Committee meetings or Council.
- 2.2 As a result of this the Chief Executive has exercised her Emergency Powers which are relevant to the current circumstances which are set out in Section F (Part 3.7 of the Council's Constitution) as follows:

"The Chief Executive may ....:

(c ) Deal with emergencies and disasters and the carrying out of civil defence functions

(d) Take emergency action in the following circumstances:

The Chief Executive (or any Strategic Director nominated from time to time by the Chief Executive, or if any such Strategic Director is not available or if no such nomination has been made, any Strategic Director) is empowered, in consultation with the Leader or relevant Committee Chair (unless the urgency makes this impracticable) to make decisions on any issues in circumstances which he/she reasonably considers to be an emergency, reporting to the Cabinet or relevant Committee as soon as possible thereafter."

- 2.3 The same section of the Constitution also sets out the various other delegations to Strategic Directors and Statutory Officers.
- 2.4 As a result, during this period of time the Council has been able to continue to function. This has been done firstly by prioritising areas where decisions need to be made and where necessary delaying them. Where it has not been possible to delay it has been done:

- i) By using the Council's existing Scheme of Delegation in Part 3.7 (Section F) of the Constitution to Strategic Director and Statutory Officer Service Directors; and
- ii) By using the Chief Executive Emergency Powers pursuant to paragraphs c) and d) set out above.

2.5 The Coronavirus (Flexibility of Local Authority and Police and Crime Panel Meetings) Regulations 2020 ("the Regulations") came into force on 4 April 2020. This put in place the ability for Councils to hold meetings virtually, so long as they meet certain criteria specified in the regulations. This report is being considered by the first virtual Cabinet meeting and marks the end of the necessity for the Chief Executive (and other officers) to take emergency Executive decisions moving forwards and will enable the Cabinet to start to get back to taking decisions -business as normal as well as make decisions which may be required arising from current circumstances.

## 2.6 Decisions to date

- 2.6.1 Officers have been working together to look at prioritising decisions and then using the existing Scheme of Delegation. In situations where they were not available, the Chief Executive has made a number of decisions using the general power in paragraph c) above as well as a limited number which were made pursuant to paragraph d) which enables the Chief Executive to make some decisions which might ordinarily have been made by Cabinet and/or Committees in a situation of urgency or an emergency.
- 2.6.2 The Chief Executive has made a number of decisions which have been primarily made using the power in paragraph c) in paragraph 2.2 above. These relate to decisions made as a result of an immediate need to do something to protect the public and/or Council Members and/or officers and/or partners or as a reaction to an instruction from Government. A decision log has been shared with the Chair of Overview and Scrutiny Management Committee as well as Group Leaders and has been published on-line. It shows the decisions made, when, where and why and the extent to which there was any discussion with Cabinet Members, the Leader or Group Leaders virtually as appropriate. The up to date copy of this log is attached to this report as Appendix 1. A link to the web page where the decision log is kept is here <https://democracy.kirklees.gov.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0>. It is not expected that there will continue to be as many decisions required over the next few days and weeks as there were when the impact of the pandemic started to materialise.
- 2.6.3 The log makes reference to 5 decisions which are decisions which would otherwise have been considered by the Cabinet had it been possible to meet. More details of those are set out in the paragraphs below. The Chief Executive used her Emergency Decision Making Power under d) in paragraph 2.2 above to do this and the constitution requires the decisions to be reported back to the next meeting of the Cabinet.
- 2.6.4 To date 5 decisions have been made by the Chief Executive in consultation with the Leader virtually (and with other Cabinet Members where possible):
- The decision to commence the Governance Review for the West Yorkshire Devolution Deal (24 March 2020). This report had been published and was on the Cabinet agenda for the day after Government announced the lockdown. The Cabinet meeting was cancelled and other items on that agenda will need to be considered at a later date. It was necessary for the Chief Executive to take this decision in order to comply with the timetable that all 5 councils and the Combined Authority had agreed with Government.
  - Proposals relating to non-domestic rates which were required to enable the Council to operate the new schemes to assist businesses in this period of the COVID-19 pandemic (31 March 2020).
  - To change the Council's housing allocation scheme to suspend the full implementation of the enhanced lettable standards and the Home Starter Fund Pilot to increase options and availability of appropriate accommodation for

homelessness to increase temporary capacity during the COVID-19 situation and in order to comply with requirements from Government (14 April 2020)

- To remove the 80% limit on entitlements in the Council Tax Reduction Scheme and to allocate 100% and to implement the Government's Council Tax Hardship Scheme at £150 in line with the Government's Council Tax Hardship Fund guidance – COVID-19 related (14 April 2020).
- Agreeing the Highway Capital Programme to enable some aspects of highways work to commence quickly (23 April 2020).

2.6.5 Copies of the reports considered by the Chief Executive to enable her to make those decisions are attached for information at Appendices 2-6.

2.6.6 In consultation with Cabinet, with the Leaders of Group and the Chair of Overview and Scrutiny Management Committee, Officers have sought to limit the number of decisions which were required to be taken during the period. The 5 decisions taken by the Chief Executive which would otherwise have been considered by Cabinet were felt to be ones which were needed as a result of the COVID-19 pandemic or in the case of the devolution to commence the beginning of the devolution process of reviewing governance arrangements before commencing consultation and engagement. Our decision was the last of the 5 constituent Councils and was due to be taken on the day that the Government issued a lockdown notice on Monday 23 March. The Highways report was agreed to enable highways works to commence in certain areas without delay.

2.6.7 Cabinet is asked to endorse the decisions taken by the Chief Executive in consultation with the Leader and to endorse and note the other decisions taken as set out in the action log.

## 2.7 Future Decisions

It is intended that future decisions are now made by Cabinet at virtual meetings. If on any occasion an emergency decision is required during the period of the pandemic this will be reported back as appropriate to the next virtual Cabinet meeting. It is not anticipated that this will be required to be used on a regular basis but it may be necessary from time to time if a decision is needed urgently between planned Cabinet meetings, or it isn't possible to hold a virtual meeting.

## 2.8 Scrutiny

The Chief Executive has been liaising regularly with the Chair of Overview and Scrutiny Management Committee who has a copy of the decisions taken using special emergency provisions.

## 2.9 Work of the Cabinet

Cabinet members have taken on reshaped roles that enable them to focus on the issues that matter most in protecting lives, businesses and communities across the borough during the coronavirus pandemic.

|                    |   |
|--------------------|---|
| Cllr Shabir Pandor | Leading the council's immediate response to the pandemic.<br>Leading the recovery strategy.<br>Public Health.                         |
| Cllr Peter McBride | Immediate support to business.<br>Planning the post-pandemic inclusive economy.   |
| Cllr Viv Kendrick  | Statutory responsibility for children's social care.<br>Safeguarding the most vulnerable children throughout the pandemic and beyond. |
| Cllr Musarrat Khan | Statutory responsibility for vulnerable adults.   |

|                      |   |
|----------------------|---|
|                      | Responsible for vulnerable adult social care and safeguarding the most vulnerable adults throughout the pandemic and beyond.                                      |
| Cllr Carole Pattison | Working with schools to maintain services at the heart of communities.<br>Planning for return to school.  |
| Cllr Graham Turner   | Financial oversight.<br>Long term resource planning.  |
| Cllr Naheed Mather   | Council staff, including staff wellbeing<br>Planning new ways of working and delivering services through staff.   |
| Cllr Cathy Scott     | Engaging and supporting voluntary sector capacity for immediate responses to the pandemic in North Kirklees.<br>Strengthening place-based working for the future. |
| Cllr Rob Walker      | Engaging and supporting voluntary sector capacity for immediate responses to the pandemic in South Kirklees.<br>Strengthening place-based working for the future. |

This renewal of Cabinet portfolios provides leadership as we work with partners and communities to combine all our resources and efforts and tackle the impacts of the coronavirus.

It also offers a devoted team to lead us towards a positive future, taking the best of what we've learnt from our collective response across the communities of Kirklees, tackling the new challenges the pandemic has created, and focusing on our enduring priority of creating an inclusive and resilient economy and society.

Alongside the Council, communities and neighbourhood groups, voluntary and community organisations, businesses big and small and large organisations like the University and Colleges have come together in response to the impacts of the coronavirus. This experience will make us a stronger organisation, even more focused on working with others and enabling communities to build the futures they look towards.

### **3 Implications for the Council**

The Council is committed to continuing to ensure that it considers the shared outcomes and priorities of the Corporate Plan during this period. We will review with partners whether the shared outcomes remain appropriate goals for Kirklees as we move out of the immediate impacts of the pandemic.

The Council is looking carefully at the impact of this period on the way that it works. We will consider how our existing values and behaviours have guided our response, and whether there are things we might learn that will influence the kind of organisation we want to be moving forwards.

#### **3.1 Working with People**

Our response to date has focused on working closely with people to support a response that draws on the strengths of all the communities of Kirklees. We have prioritised enabling people to take action to support themselves and others. Encouraging volunteering that supports vulnerable people is a key part of this approach, as is the promotion of the mutual aid organisations that have organised themselves to help their neighbours in local places across Kirklees. We're working closely with a network of larger community organisations who are a key part of our co-ordinated efforts across Kirklees. Two Cabinet members now have dedicated roles that involve engaging and supporting voluntary sector capacity.

### **3.2 Working with Partners**

Our response is based on working closely with partners across Kirklees and beyond. This has built and rapidly expanded on existing partnership arrangements. Our forward planning will ensure this commitment to partnership working is central to how we learn from the current circumstances and move forwards together.

### **3.3 Place Based Working**

We have four virtual Community Response hubs across Kirklees. Each has a team of Kirklees Council staff who are responding to requests for help, working alongside voluntary organisations and local groups. Each hub is working closely with local councillors and developing a response that works for each local place.

### **3.4 Climate Change and Air Quality**

There are some positive impacts, for example in terms of reduced traffic. Some of the decisions about closing facilities and new ways of working will have also had a positive impact on emissions and air quality. More work will be done to consider how we learn lessons from this in order to take these positives and ensure they inform our long term planning around climate change and air quality.

### **3.5 Improving outcomes for children**

Our response has focused on ensuring all children, including vulnerable children are supported at this time. Under the new portfolio arrangements the Cabinet member with statutory responsibility for children's social care, will also be responsible for safeguarding the most vulnerable children throughout the pandemic and beyond.

### **3.6 Other (eg Legal/Financial or Human Resources)**

#### **Financial**

A report will be presented to Cabinet by the Chief Finance Officer on the next meeting of Cabinet on 19 May which will set out the emerging impact of COVID on the overall Council finances, informed as well by broader local government sectoral impact assessments and national Government funding support to date. There will be a follow up report to the following Cabinet on 26 May which will set out a number of early proposals through the 2019-20 final accounts process to support the Council's overall financial resilience. It should be noted that the Government has provided Grant Funding and other monies to the Council to enable it to comply with or assist with some of the steps it has been required to take during this period of time. More detail will be provided on 19 May 2020.

#### **Legal**

There have been various powers taken into account as part of the actions required to be taken during this time period.

### **4 Consultees and their opinions**

N/A

### **5 Next steps and timelines**

Further virtual meetings of Cabinet are planned for 19<sup>th</sup> and 26<sup>th</sup> May 2020. Other dates will follow.

### **6 Officer recommendations and reasons**

That Cabinet

**6.1** Endorse and note the decisions taken by the Chief Executive during the period of the COVID-19 pandemic, in particular the decisions on the report set out in Appendices 2-6;

- 6.2 Note and endorse the other actions taken in the action log attached at Appendix 1;
- 6.3 Note the other actions that officers have taken to ensure that steps are in place to manage the decisions moving forwards;
- 6.4 Note that virtual meetings of Cabinet and other Council meetings are planned in the future; and
- 6.5 Welcome the new emphasis on their portfolio roles in supporting citizens, partners and businesses during this time.

## **7 Cabinet Portfolio Holder's recommendations**

I have been consulted by the Chief Executive in relation to the decisions she has taken during this period and agree them as well as the work done by officers during this period to support that. I welcome the introduction of virtual meetings.

## **8 Contact officer**

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## **9 Background Papers and History of Decisions**

Appendix 1 – Decision Details  
Appendix 2 - Devolution  
Appendix 3 – Non-Domestic Rates  
Appendix 4 - Homelessness  
Appendix 5 – Council Tax  
Appendix 6 – Highways Capital programme

## **10 Service Director responsible**

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