

DERBYSHIRE COUNTY COUNCIL

CABINET

4 June 2020

Report of the Executive Director - Commissioning, Communities and Policy

Decision making process during Covid Epidemic

Strategic Leadership, Culture and Tourism

1. Purpose of the Report

To ask Cabinet to agree amended decision-making processes arising from the Covid-19 virus pandemic.

2. Information and Analysis

The current challenges relating to the Covid 19 virus have necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council

The Coronavirus Act 2020 has now been implemented alongside a range of related Regulations. The Regulations include provision for virtual meetings of Council bodies including Cabinet. These regulations took effect on 4 April 2020.

Members will appreciate that prior to these Regulations being introduced and Cabinet meetings resuming, it has been necessary for a range of decisions to be made. These decisions have been made under the urgent delegated powers to Executive Directors as set out in the Constitution. The relevant provision is as follows-

SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS

Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of

the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

A schedule of these decisions together with supporting reports were reported to April and May cabinet.

In the main, the decisions relate to short-term temporary arrangements which are subject to regular review. This is particularly important where subsequent Government guidance has been issued notably in area of Adult Care and the use of 'easements'. It is intended that as Cabinet is now able to function by meetings being held 'remotely' the need for officers to make urgent decisions will diminish over time.

Given the short timescales for reviews however (which are compulsory fortnightly in the case of the application of Adult care 'easements') it is proposed that Cabinet formally delegates review decisions to the relevant Cabinet Member (CABCO) meeting, such meetings to be held in public, virtually if necessary, in order to ensure maximum transparency. A summary of review decisions made by Cabinet Members will be reported to Cabinet every two months .

New decisions that are required as a result of the developing Covid situation and are outside of powers normally delegated to Executive Directors will be made by Cabinet or, if this is not possible, via urgent officer decisions and then reported to the next cabinet meeting.

As a further safeguard any significant reductions in service that have been reviewed and substantially maintained over any 8-week period will be referred to Cabinet as soon as possible after the eight-week period for ratification.

In all cases careful regard will be had to the equality implications of the proposed decisions including reference to the council's consolidated EIA where appropriate.

3. Financial Considerations, Human Resources Considerations and Legal Considerations

As part of the urgent officer decision-making process, regard has been had to equality implications alongside legal, human resources and financial

implications within the demanding time scales applying. However, a consolidated Equality Impact Assessment is being undertaken on all the decisions to date and will be reported to Cabinet at the June meeting.

The DCC Constitution states that

Unless the Leader otherwise directs, the Cabinet itself may also arrange for the discharge of any of its functions by a committee of itself, a joint committee, individual Cabinet Member or by an officer.

The agreement of the Leader has been sought to the proposals set out in this report.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: Human Rights, equality of opportunity, health, environmental, transport, property, social value, and crime and disorder considerations.

5. Background Papers

Details of officer decisions held within Departments.

6. Key Decision

As indicated in reports

7. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

Call in provisions will apply to Officer, CABCO and Cabinet decisions unless call in is waived in the normal way.

8. Officer's Recommendation

To not the revised decision-making process proposed arising from the Covid-19 virus pandemic.

To agree the delegations to the relevant Cabinet Member to review decisions as set out in the report.

Emma Alexander
Executive Director – Commissioning, Communities and Policy