

Member Decision Record

Decision Title
Leader's Decision regarding Executive Arrangements - virtual/remote meetings
Decision Details
<p>The Leader decided his executive arrangements for the 19/20 municipal year at the Annual Meeting on 21 May 2019. The Leader set out who the Cabinet members would be with their portfolios. The leader decided that the executive decisions would be taken by Cabinet as a collective body.</p> <p>Given the national situation regarding COVID19, on 19 March the Leader decided to change the arrangements for the exercise of executive powers which had been made at Council on 21 May 2019 for a temporary period as follows:</p> <p><i>Executive decisions are delegated to individual portfolio holders. These delegations will be as follows:</i></p> <ol style="list-style-type: none"> 1. <i>In the first instance a decision will be made by the relevant portfolio holder</i> 2. <i>Should the portfolio holder be unavailable to act, then the decision will be made by any other member of Cabinet.</i> <p>At the time of making this decision, the Leader stated that the arrangements would be kept under review.</p> <p>On 4 April 2020 the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Meeting and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("The Regulations") were passed pursuant to S78 of the Coronavirus Act 2020. These regulations enable council meetings, including those of the Executive to be held remotely.</p> <p>Having discussed the matter with the Chief Executive the Leader has decided to change the executive arrangements to reflect the fact that the regulations are in place but also to allow for individual cabinet member decision making as a contingency measure. It is the Leaders strong preference for decisions to be made by Cabinet, collectively and the other arrangement should only be used in exceptional circumstances.</p> <p>The arrangements will be as follows:</p> <ol style="list-style-type: none"> 1. Executive decisions shall be made by Cabinet, sitting as a collective body where that is practicable 2. Where Cabinet is not able to meet, the Executive decisions will be made by the relevant portfolio holder. 3. Should the portfolio holder be unavailable to act, then the decision will be made by any other member of Cabinet.
Reason for Decision
<p>The Council is responding to the COVID 19 Pandemic. The Council is taking steps to ensure that it continues to provide critical services to the community and that the democratic decision making process can continue to operate.</p> <p>Given the guidance from the Government on social distancing, avoiding gatherings and taking precautions for those groups at risk, the Leader has reviewed his existing executive governance arrangements and decided to put an alternative process in place.</p>

Source of Delegation/decision making power

The Local Government Act 2000 sets out how councils must run their executive arrangements. We have a leader and cabinet model (which can be 2-9 other members).

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out which functions are Council functions and decisions made by Council, officers (under delegated powers) or one of the Council's Committees and which are Executive functions where decisions are made by officers (under delegated powers) or the executive.

S9E LGA 2000 – provides that the executive arrangements are the responsibility of the leader and Cabinet. However, the leader may arrange for the discharge of any of the executive functions by:

- Another member of the executive
- An officer of the authority

(there are other options in the list in S9E which are not relevant here)

NWLDC constitution reflects the legal position – see Executive Procedure Rules.

The leader tells council at the AGM how he intends to exercise his executive powers for the forthcoming municipal year and this is then reflected in Article 7 and part 3 of the constitution.

The Executive Procedure Rules allow for the individual member decision making.

Additional information:

The Head of Legal and Commercial Services/MO and the Democratic Service Team Manager have put the necessary arrangements in place to:

- Notify Cabinet members of this decision
- Publicise the decision – members, officers, the public
- Brief Cabinet/Directors on the practical operation of the new arrangements
- Start the new arrangements for the next meeting of Cabinet

TO NOTE:

A briefing note has been prepared which explains how we will operate the other Council meetings in the current circumstances, pending any legislation from government which allows for virtual meetings and deals with the issue of the AGM.

Type of Decision

Key Decision Non-Key Decision NA

List of Background Papers

If the background papers are likely to contain exempt or confidential information, please indicate which paragraph(s). Paragraphs detailed below. Documents should be included with the form or made clear where the documents can be viewed.

- Local Government Act 2000
- North West Leicestershire District Council Constitution

<ul style="list-style-type: none"> • Leader’s announcement – “Executive Arrangements for the ensuing municipal year” – Council 21 May 2019 • Leader’s decision of 19 March 2020 	
What alternative options were considered when making the decision?	
<p>The current executive arrangements decided on 19.3.20 allow for individual cabinet member decision making.</p> <p>The proposed option allows some flexibility to respond to a changing national and local situation</p>	
What conflicts of interest were declared by any executive members consulted which relates to the decision?	
NA	
Decision Made By	Name Richard Blunt, Leader, North West Leicestershire District Council
Officer consulted prior to making the decision	Bev Smith, Chief Executive
Date Decision Made	8 April 2020
Date Decision Published	9 April 2020

NOTE:-

Confidential Information Exemption Paragraphs

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an individual

Paragraph 3 – Information relating the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 4 – Information relating to any consultations or negotiations, in connection with any labour relations matter arising between the authority of the Minister of the crown and employees of, or office holders under the authority

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6a – Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person.

Paragraph 6b – Information which reveals that the authority proposes to make an order or direction under an enactment

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.