

Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in line with the Local Authorities & Police & Crime Panels (Coronavirus) (Flexibility of Local Authority & Police & Crime Panel Meetings) (England & Wales) Regulations 2020, on Wednesday, 13 May 2020 at 7.00 pm.

PRESENT

F Biggadike (Chairman)
P A Redgate (Vice-Chairman)

B Alcock
J R Astill
J Avery
A C Beal
H J W Bingham
M D Booth
C J T H Brewis
P E Coupland
A C Cronin
T A Carter
A Casson
H Drury

R Gambba-Jones
R A Gibson
R Grocock
M Hasan
J L King
C J Lawton
J D McLean
A M Newton
N H Pepper
G A Porter
J L Reynolds
G T D Rudkin

G P Scalse
M D Seymour
S-A Slade
E J Sneath
G J Taylor
A C Tennant
J Tyrrell
S C Walsh
D J Wilkinson
A R Woolf
C N Worth

In Attendance: , Chief Executive, Shared Executive Director Commercialisation (S151), Executive Manager - Governance, Democratic Services Manager, Communications Manager, Democratic Services Team Leader, Place Manager and Communications Officer

1. **APOLOGIES FOR ABSENCE.**

There were none.

2. **MINUTES**

That the minutes of the meeting held on 26 February 2020 be signed as a correct record as soon as reasonably practical after the meeting.

3. **SUSPENSION OF STANDING ORDER NO. 5**

Consideration was given to the suspension of Standing Order No. 5 (Standard Order of Business) in order to focus on only the most necessary business.

Action By

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DECISION:

that Standing Order No. 5 be suspended.

4. **DECLARATION OF INTERESTS.**

There were none.

5. **QUESTIONS ASKED ON NOTICE UNDER STANDING ORDER 6**

There were none.

6. **QUESTIONS ASKED WITHOUT NOTICE UNDER STANDING ORDER 7**

Question to: Portfolio Holder for Place, Councillor Gambba-Jones

Question from: Councillor Newton

Topic: Garden waste disposal

Councillor Newton advised that residents who joined the waiting list for a brown garden waste bin in February have still not received a bin. Although Councillor Newton has advised residents that the Council are prioritising tasks due to COVID-19, which is the reason for the delay, will it be possible to provide a timescale for when they can join the scheme?

The individuals live in an area where the purple bag scheme is not applicable. Under the circumstances, will it be possible for them to purchase the purple bags as a temporary alternative?

Councillor Gambba-Jones advised that new entries to the garden waste scheme were suspended due to COVID-19 priorities but this is currently under review. Opportunities will be available to open more slots in the near future. If the individuals are on the waiting list, they will shortly be invited to join the scheme.

Individuals are being encouraged to purchase paper sacks instead of the purple plastic bags.

7. **REPORT FROM CABINET MEETING ON 17 MARCH 2020**

Consideration was give to the recommendations of the Cabinet in

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respect of the 2019/20 Financial Report Quarter 3 which provided information on the quarter 3 (to 31 December 2019) financial position of the Council (Cabinet minute 92/19) (Cabinet agenda item 8).

The Portfolio Holder for Finance highlighted the following:

- That Councillor Alcock had raised a query at the Cabinet meeting and this had been addressed.
- That the General Fund overspend was due to additional Homelessness costs and reduced Planning Income.

Councillor Alcock reported that he had received an explanation but was not sure if other Members had been made aware. He also questioned whether attendees at the Cabinet meeting were noted. The Portfolio Holder for Finance reported that attendees should have been noted and will be added if they have been omitted.

DECISION:

- 1) That the General Fund and Housing Revenue Account Capital programme be approved as set out in tables 5 and 7 of **the attached appendix**.
- 2) That the Planning Fee income shortfall and additional Homelessness costs of £600k be funded from the Council Tax Reserve.

8. CORONAVIRUS- EMERGENCY GOVERNANCE MEASURES

Consideration was given to the report of the Director of Strategy and Governance (Monitoring Officer) to consider emergency Governance measures in relation to (i) the determination of planning applications; (ii) the determination of taxi licensing applications; (iii) virtual meetings; (iv) the peacetime emergency delegation to the Chief Executive; and (v) vacation of office by failure to attend meetings.

The Director of Strategy and Governance highlighted the following areas:

- The proposed delegations supplement but do not replace existing committee powers.
- Where any member is unable to attend a meeting for a period of six months, such absence can only be authorised by the Council in advance of expiry of that period.
- In light of experience of the roll-call method of voting

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adopted during the meeting, the Executive Manager for Governance proposed that the Council might wish to delegate authority to him to make a further amendment to Standing Orders, enabling the Chairman to exercise discretion to allow voting by a show of hands or use of a voting system.

Councillor Alcock asked whether the officer delegations could be brought to an end early, should a return to physical meetings be possible within the next six months. The Executive Manager for Governance responded that the delegations would not prevent committees from exercising their usual powers, but that a further report could be presented to Council terminating the delegations early.

Councillor Alcock asked whether an applicant retains the right of appeal for non-determination of an application. The Executive Manager for Governance confirmed that this was the case – assuming that agreement could not be reached to extend the period for determination.

Councillor Alcock asked how any member request for determination by the Planning Committee would be assessed and determined. The Executive Manager for Governance responded that the Chairman's Panel would consider any application 'called in' for determination by the Committee. The Officer exercising delegated authority would be required to give significant weight to the view of the Panel before deciding whether to exercise his/her delegation. The application would likely be held back for committee but ultimately the decision lies with the officer.

Councillor Alcock asked how a request by the Chairman's Panel to refer an application to Committee would be assessed and determined. The Executive Manager for Governance confirmed that the Panel can, of its own volition, suggest that an application is referred to Planning Committee for determination. Again, the officer concerned would have to give significant weight to the view of the Panel before deciding whether to exercise his/her delegated authority.

Councillor Alcock asked who would decide whether an application raises novel or contentious planning issues, and whether this would be restricted to the opinion of officers. The Executive Manager for Governance advised that this would be a matter for the officer. However, members do retain the right of call-in so if members felt there were particular material planning considerations which were potentially novel or contentious issues, they could call-in the application.

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Councillor Walsh asked whether it would be considered prudent to record votes for transparency and clarity, especially with the potential for IT issues. The Executive Manager for Governance replied that the new Standing Orders proposed in the report currently require (for non-regulatory committees) voting by roll-call. For regulatory committees, such as Planning Committee or Licensing Committee, those proposed Standing Orders require decisions to be by recorded vote.

Councillor Walsh asked whether the Council's use of virtual meetings sends a conflicting message to those returning to work under social distancing rules. He considered that the Chamber was a very large space and could easily enable a number of meetings, obeying social distancing rules. He pointed out that the new regulations allow virtual meetings but they do not compel them. The Executive Manager for Governance replied that it is a matter of judgement in terms of health and safety and a decision to be taken in light of the prevailing guidance. At the moment, the Guidance suggests that meetings and gatherings in workplaces should be avoided.

Councillor Newton asked whether members generally would be invited to attend virtual Chairman's Panel meetings. The Executive Manager for Governance replied that, at the moment, the proposal is that only the three Panel members and relevant ward members would attend and participate. However, an invite to view the proceedings would be sent to other members of the Planning Committee. In addition, the agenda (setting out which planning matters are to be considered by the Panel) would be sent to all members so that they are all aware of which applications are being taken to the Panel. Members may then feed in either directly through the normal process or via the ward member or via the Panel. Members can also contact the case officer direct.

DECISION:

1. Determination of planning applications

- (a) That the protocol/delegation for determination of planning applications, as set out in **Appendix A**, be approved initially for a temporary period of six months (unless subsequently extended by decision of the Council), following which the Council reverts to the existing delegations;
- (b) That, should the officer with delegated authority be unwilling to determine an application then applications be deferred so far as possible;
- (c) That, as soon as the Director of Place (or during Covid19

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response the Executive Director of Commercialisation), in consultation with the Leader and the Chairman of the Planning Committee, considers that a meeting of the Planning Committee should be held (whether physically or virtually) appropriate applications be put to the Committee for determination;

(d) That the potential for holding a virtual committee be kept under review, taking into account any Government announcements in respect of the current lockdown;

(e) That the Constitution be amended as shown in **Appendix B**, such amendments to apply for 6 months up to but not including 13 November 2020, (unless subsequently extended by decision of the Council), the amendments then to be removed from the Constitution without a further report.

(f) That, prior to any meeting of the Planning Committee that may be held whilst social distancing requirements remain in place, the Director of Place (or during Covid19 response the Executive Director of Commercialisation) be authorised to amend the rules and procedures for public speaking at the Committee in order to ensure suitable governance at a virtual meeting or to protect the health and safety of those physically in attendance.

2) Taxi licensing - That, initially for a period of 6 months (unless subsequently extended by decision of the Council), following which the Council will revert to the existing delegations, the Public Protection Manager, the Licensing and Business Support Manager and the Licensing Team Leader be given delegated authority to refuse, where considered appropriate, any application for a hackney carriage drivers' or vehicle licence, or a private hire drivers', vehicle or operators' licence under sections 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 subject to:

- no officer with any interest in any matter taking any part in the determination of that matter; and
- consultation with the Chairman of the Licensing Committee; or
- if the Chairman of the Licensing Committee is not available, consultation with the Vice Chairman; or
- In the absence of the Chairman and Vice-Chairman, consultation with a member of the pool of 15 members who serve on the Licensing Committee where possible.

and where this may represent a departure from any existing licensing policy or procedure, such policy or procedure be deemed to be amended accordingly for the duration of this delegation.

3) Virtual meetings - that the amendments to the Council's Standing Orders and Access to Information Procedure Rules, set out in **Appendix C**, be approved and the Constitution be amended accordingly, such amendments (with the exception of

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the proposed amendment to Standing Order no. 14.1) to apply up to but not including 7 May 2021, or such longer period as the law allows virtual meetings to be held, the amendments then to be removed from the Constitution without a further report.

4) Emergency delegation to the Chief Executive - that the proposed amendments to the emergency delegation to the Chief Executive, shown in **Appendix D**, be approved, and the Constitution be amended accordingly.

5) Vacation of office due to failure to attend meeting - that where any member fails throughout a period of six consecutive months to attend any meeting of the authority, including where an executive member fails to attend any meeting of the Executive or to take any executive decision, such failure be an approved absence due to the coronavirus peacetime emergency under section 85 of the Local Government Act 1972 and Standing Order no. 56, up to and including the date of the Annual Council meeting in 2021.

6) That the Executive Manager for Governance be granted delegated authority to amend the new Standing Orders relating to virtual meetings in order to give the Chairman discretion to call for a vote (i) using an electronic voting function; or (ii) by a virtual show of hands; or (iii) by a physical show of hands

9. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were none.

(The meeting ended at 7.58pm)

(End of minutes)