
Report to Special Meeting of Clackmannanshire Council

Date of Meeting: 23 March 2020

Subject: Emergency decision making

Report by: Monitoring Officer

1.0 Purpose

- 1.1. To seek approval for a temporary emergency decision-making committee to reduce the need for face-to-face meetings during the Covid -19 outbreak. The decisions which will need to be taken are those urgent matters which would otherwise have been reserved or taken by the Council or Committees, for a defined period of time.

2.0 Recommendations

- 2.1. It is recommended that Council agrees:-
- 2.2. To constitute an Emergency Decision Making Forum (EDMF) as a standing committee of the Council with the terms of reference as set out in Appendix 1
- 2.3. That the membership of the EDMF will be the Leader of the Council, the Depute Leader of the Council, the Administration's Integration Joint Board member, the Leader of the Labour group, the Leader of the Conservative group (or their respective substitutes) and the Independent member (6 members)
- 2.4. That the Leader of Council will chair the EDMF and have the same powers as the Provost
- 2.5. That the quorum for the EDMF is 3 members and that decisions will be taken by simple majority with a casting vote for the chair
- 2.6. That members can attend the EDMF remotely, through the use of video or teleconference facilities
- 2.7. That a meeting of the EDMF can be called with a minimum of 3 clear days notice
- 2.8. That as the Chief Executive already has broad authority in terms of the Scheme of Delegation in paragraphs 7.10 and 7.11- emergency powers, if an action proposed by the Chief Executive or a Director would be develop new Council policy or for any other reason would require formal committee or

Council approval, the Chief Executive would refer the matter to the EDMF for a decision

- 2.9. That should the EDMF be unable to meet, or are not quorate at a meeting, for any reason during this period of temporary decision making relating to the COVID-19 outbreak that the Chief Executive (or one of the directors acting under delegated authority from the Chief Executive) has the authority to take any urgent decision required, including relating to matters which are currently reserved to Council, following consultation with the Leader or Depute Leader of Council or their substitute, if available.
- 2.10. To make consequent amendments Standing Orders during this temporary period as follows:-
 - 2.10.1. 6.2 (Ordinary meeting frequency)
 - 2.10.2. 7.1 – 7.11 (service of notice)
 - 2.10.3. 9.10 (attendance at meetings) – to facilitate remote participation
- 2.11. That all scheduled committees and full Council meetings from 25 March 2020 to 28 May 2020 are cancelled and any business requiring to be dealt with in this period is considered by EDMF as appropriate.
- 2.12. That this arrangement will be reviewed by full Council as soon as the temporary decision making requirement no longer exists, and in any event by 25 June 2020.

3.0 Considerations

- 3.1. Council is invited to create a new decision making standing committee called the EDMF. This creates revised decision-making arrangements primarily in order to facilitate and expedite decision making and also to reduce the need for committee and other meetings. This also reduces the risk for elected members and officers in attending these meetings and it also will free up staff resources, permitting senior staff to focus on the Council's response to the pandemic.
- 3.2. This forum is not intended to replicate any existing emergency planning forums, previously delegated decision making or statutory requirements. It is to allow members to make decisions which are currently reserved to the Council or Committees and to make any new policy decisions which may be required or may be urgent during this period of time.
- 3.3. A number of other local authorities have already taken steps to allow decisions to be taken quickly if required. These approaches range from small committees such as is proposed in this paper to significantly enhancing the delegated authority of the Chief Executive and senior officers. This report identifies an approach for Clackmannanshire which is consistent with the needs of the area and which reflects the current delegated arrangements.
- 3.4. The Council has a number of reserved powers in the Scheme of Delegation which include setting up committees. Therefore the creation of the EDMF must be a decision of Council.

- 3.5. There are a number of recommendations which set out how the EDMF will operate to allow Council to review and consider whether these arrangements will permit the necessary flexibility while supporting proper and transparent decision making. It is recognised that other Council members will wish to be kept up to date with decisions of the EDMF and it is suggested that a note of the meeting is taken and circulated to all Council members after meetings of the EDMF.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. *Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director	
Nikki Bridle	Chief Executive	

Appendix 1

Terms of reference

The remit of the EDMF Committee is:

To review and support the operations of the Council during the period of civil contingency or other extreme circumstance and to incur such expenditure, as may be necessary on an interim basis, in the time between the start of a civil emergency (or in other extreme circumstances) and the date of the next ordinary meeting of the Council, or for a longer period if agreed by the Council, in order to discharge those functions of the Council which are essential in those particular circumstances or which require an urgent decision.