

T A N D R I D G E D I S T R I C T C O U N C I L	
REPORT TO COUNCIL - 7TH MAY 2020 - AGENDA ITEM 8	
ACTION TAKEN BY THE CHIEF EXECUTIVE UNDER URGENCY POWERS (STANDING ORDER 33)	
Report of:	Paul Smith Interim Transformation Lead psmith@tandridge.gov.uk
Purpose of Report:	To inform the Council of decisions taken by the Chief Executive using “urgency powers” as set out in the Council’s Constitution
Publication status:	Unrestricted
Recommendation:	That Council notes the decisions taken by the Chief Executive
Appendix	A: Financial Assistance Policy (page 5)
Background papers defined by the Local Government (Access to Information) Act 1985: None	

1. Background

- 1.1 On 26th March 2020 the Government’s compulsory measures prohibiting public gatherings of more than two people were passed into law under The Health Protection (Coronavirus Restrictions) England Regulations 2020 (‘the Regulations’). As a consequence, the Council could not continue to convene and hold Committee and Council meetings whilst ensuring compliance with the Regulations.
- 1.2 The Government therefore passed legislation to deal with how local authorities could continue to operate their meetings. The Local Authorities and Police and Crime Panels (Coronavirus) flexibility of Local Authority Police and Crime Panel Meetings (England and Wales) Regulations 2020 came into effect on 4th April 2020 enabling local authorities to hold meetings through remote means including video and / or audio conferencing, live webcasts and live interactive streaming.
- 1.3 At a time of emergency, it is still vital for the Council to make lawful decisions. Prior to holding remote meetings, the Council relied on its urgency powers to ensure business continuity within the Council.
- 1.4 Standing Order 33 of the Council’s Constitution contains provisions for decisions normally reserved to Council or one of its Committees to be taken by the Chief Executive or a Chief Officer in emergency situations.:

“Notwithstanding anything in this Constitution, the Chief Executive and other Chief Officers shall be authorised to take decisions on the grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision. The Chief Officer concerned shall also:

- *advise and seek the views of the Political Group Leaders and the Chair of the appropriate Committee at the earliest opportunity; and*
- *report the matter to next scheduled meeting of the appropriate Committee.”*

1.3 Under these “urgency provisions” it was necessary to make three such decisions. The decisions taken are listed below. It should also be noted that, although the Constitution requires such decisions to be reported to the “appropriate Committee”, it was felt that, in the circumstances all decisions should be reported to this meeting as it gives Members the opportunity to scrutinise these decisions at the earliest opportunity.

2. Temporary relaxation of the councillor attendance rule - decision taken on 19th March 2020

2.1 In view of the limited opportunity of some Councillors to attend a meeting during the period of the pandemic, as a precautionary measure, the Chief Executive used “urgency powers” to grant a dispensation to all Members from s 85 of the Local Government Act. Under s85(1) and (2). Councillors who do not attend Council meetings throughout a period of six months trigger the councillor attendance rule and are automatically removed from office by operation of law unless the failure was due to a reason approved by the Council before the expiry of that period. Once any Councillor loses office, through breach of this rule, the disqualification cannot be overcome by any Councillor subsequently resuming attendance, nor can retrospective approval of the Council be sought for an extension in time.

2.2 The Chief Executive considered that that the interests of the public would be seriously prejudiced should their elected councillors be removed from office, during a time of national emergency, owing to what the public might regard as a technicality/inability of the Council to respond to changing events. There was also some concern that several individuals could start to fall foul of the S.85 statutory provision during the coming months.

2.3 In view of this, it was felt necessary for the Chief Executive use the powers set out in Standing Order 33 to waive the Councillor attendance rule until 30th September 2020. All Group Leaders were consulted on this proposal and all provided their full support.

2.4 It should be noted that subsequently, with the changes in legislation concerning the conduct of Council meetings, the attendance rule has now been suspended by law.

3. Temporary relaxation of car parking charges – decision taken on 8th April 2020

3.1 Following the decision by many Local Authorities to temporarily suspend car parking charges following the restrictions of movement of people related to the COVID-19 situation, the decision was taken to follow suit in Tandridge District Council owned car parks.

- 3.2 It was felt that this would be beneficial as it supports those local businesses that are open and also helps local residents. The key risk highlighted for the car park users is that customers cannot avoid using the pay equipment. The type of system requires the customer to interact with three pieces of equipment, take a ticket, make a payment and exit the car park. It is not practical to have an Officer on “standby” to clean the equipment after every transaction as there is uncertainty around how long the virus remains on surfaces. Instead, Officers can put their efforts into ensuring that the most vulnerable are protected and our statutory services are maintained.
- 3.3 The “normal” income generated from car park machines is between £2,000 and £2,500 per week. By the time that the decision was taken, the weekly income had dropped to £250.00 per week (i.e. a drop of around 90%).
- 3.4 Following consultation with Group Leaders, who all supported the proposal, the decision was taken under “urgency powers” to suspend car parking charges until 30th June 2020.
- 3.5 The estimated loss of income to the Council is as follows:
- 3.5.1 Assuming that car parking levels remained as they were at the time that the decision was taken, then the Council will have lost £3000 income from machine/online payment.
- 3.5.2 There are also 79 permit holders. This brings in an income of around £30,000 per annum. A number of these holders had already not renewed their permits. Others who have current permits will receive a discount upon renewal, equivalent to the cost of the permit for the temporary car parking suspension. This is likely to be around £7,500
4. Financial Assistance to Voluntary Groups – Decision taken on 11th April 2020
- 4.1 A number of requests were received from both parish councils and voluntary groups for support to enable them to do their vital work supporting the most vulnerable people.
- 4.2 The Council received £25,000 as the first tranche of money from the Government to support the COVID response efforts. It was considered to be appropriate to allocate this money in the way of grants to parish councils who, in turn, can pass funds to the appropriate community groups. By setting a bar of £1,000 per parish, this ensured that £21,000 of the £25,000 is used most effectively.
- 4.3 A policy was therefore produced (“Appendix A”), which sets out how the grants would only be distributed upon request and via the submission of a sound business case by each parish. The application would then be evaluated by a Finance Officer before any money is released. Only one grant per parish would be permitted.
- 4.4 The Council was asked whether the grant could be given directly to the community groups. However, this option was not supported as there would be little opportunity to carry out due diligence as to the validity of each group. Therefore, this role was deemed more suitable for local parish councils who should be familiar with these organisations and the extent to which claims and requests are bona fide.
- 4.5 Following consultation with all Group Leaders who supported the proposal, the decision was taken to introduce this policy and was communicated to all parishes immediately.

5. Future Decisions

- 5.1 As the Council is now able to hold meetings by virtual means, it is unlikely that urgency powers will need to be used. However, should they need to be used then any decision will be reported to the appropriate committee.



Covid-19 Financial Assistance Policy

April 2020

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1. Policy Statement

- 1.1 This document sets out the Financial Assistance Policy which Tandridge District Council ('the **Council**') will use when considering applications for financial assistance from parish councils in the district ('**Applicants**'), to support local activities that are helping communities affected by the Covid-19 outbreak ('the **Policy**').
- 1.2 The Council is committed to supporting the most vulnerable members in the District during the outbreak of Covid-19. The Council has received a grant from Surrey County Council to assist with the Covid-19 crisis ('**Available Funds**'). The Council has elected to make available a grant of up to £1,000 to each Parish in the District ('**Grant**'), which shall be used towards assisting the most vulnerable residents during this time. There are 21 parishes in the District, therefore the Council is ring-fencing an amount of £21,000 for this purpose. This grant is to cover set-up costs, not to meet the ongoing costs of food. It is anticipated that this will facilitate the purchasing of food and the recovery of costs from the recipient of the food/medicines
- 1.3 It should be noted that the Government will also be directly providing food to residents who are being shielded and eligible for a weekly delivery from Brake Bros.
- 1.4 DEFRA is sponsoring WRAP, an organisation which assists in the distribution of surplus food from producers/retailers to foodbanks and volunteer food delivery organisations. It anticipated that the volunteer organisations may want to register with this organisation who is linking with the Government to offer COVID 19-Emergency Food Surplus Grants and advice.
- 1.5 Where volunteers identify residents in financial hardship arising from COVID19, these residents can be assisted through existing available channels of financial assistance. i.e. Universal Credit, Housing Benefit and Surrey Social Services. The Council's control team can be contacted to signpost and guide residents to the relevant support.
- 1.6 In addition to the provision of Grants, each Parish may also apply for a zero-interest loan of up to £1,000 which shall be fully repayable at the end of six months from the date of drawdown ('**Loan**'). Should a Parish default on repaying the Loan, the Council will pursue the debt in the usual way including, for example, recourse through the courts. Loan monies may be used to support local activities that are helping communities affected by the Covid-19 outbreak, for example establishing a float to purchase food, or paying expenses to volunteers.
- 1.7 Newly emergent community groups will not have had time to register with the Charities Commission and therefore proper due diligence is rendered difficult. To mitigate the possibility of fraud, the Council will only be making funds available via Parish Councils. Any community groups seeking funding from the Council will have to make an application to the Council via their

Parish Council. All Parish Council clerk's contact details are available on the respective Parish Council websites. In most cases, the Parish Councils are already heavily entrenched in the response efforts to Covid-19, either working alongside community groups, or having established the response groups themselves.

- 1.8 Aside from the short-term provision of Grants and Loans, the Council will not be making further/long-term financial assistance available to Parish Councils/community volunteer groups at this time but will guide those residents experiencing financial hardship to the appropriate agency to access support e.g. Universal Credit, Housing Benefit, Surrey Social Services. In addition, the Government is already making substantial efforts to target the most vulnerable members of society, and those identified as "shielded" will be receiving food boxes.
- 1.9 The Policy will come into force on the date when it receives Member approval and will continue for three months from this date, (unless it is terminated earlier by the Government lifting social distancing restrictions such that all residents may access supermarkets). The Policy will be kept under monthly review and may be extended if the needs of the community demand it.

2. Principles of the Financial Assistance

- 2.1 The principles of the scheme are:
- The scheme is a discretionary service provided within the Available Funds;
 - The scheme will support where possible a valid application from an Applicant (see section 3);
 - The scheme shall not duplicate provision that is delivered elsewhere in the District;
 - The scheme is a service that meets urgent needs that cannot be met elsewhere; and
 - The scheme is an accessible service that provides short-term support to an Applicant.

3. Eligibility - Criteria for Financial Assistance

3.1 The following scheme criteria must be demonstrated in order to apply for Financial Assistance:

- The Application must come from a Parish Council within the District of Tandridge;
- If applying for a Grant, the Applicant must not have previously received a Grant;
- If applying for a Loan, the Applicant must not have previously received a Loan;
- The Applicant must be engaged, either directly, or via a local community group, in supporting one of the following groups of vulnerable people owing to the outbreak of Covid-19:
 - Elderly (aged 65 and over);
 - People with disabilities and/or underlying health difficulties;
 - Homeless people;
 - Low income families;
 - Refugees and asylum seekers; and
 - People experiencing food poverty.
- The Applicant must have completed the “Request for Grant or Loan” form annexed to this Policy, and submitted it to sjones@tandridge.gov.uk for consideration by the Council; and
- The properly completed form must be submitted by the Parish Clerk from his/her parish email address and contain the duly signed confirmation statement, which is at the end of the form.

4. Application Process

4.1 Applications will be processed as follows:

- Submission of “Request for Grant or Loan”;
- Assessment against the criteria will be carried out by the Council to a level that satisfies themselves of the Applicant’s circumstances;
- Assessment will be carried out by a board consisting of a representative from Finance; Legal and the Senior Executive Team (‘the **Assessment Board**’);

- If the Applicant is not satisfied with the Assessment Board's decision, then they have the right to appeal to the Chief Executive whose decision will be final. The decision on review will be communicated in writing to the Applicant within five working days;
- The Assessment Board will review each application against the criteria in the Policy. If the application meets the criteria the Applicant will be provided with financial support to meet their need.
- The Council will aim to make payments to selected organisations within 14 days of application.
- Where emergency support is required the target will be to assess the application within one working day of receipt, up to a maximum of two working days, and an award made on the day of the decision. Notification of the decision will be made by telephone or email to the named contact on the application.

5. Data Protection

- 5.1 The personal information collected via the application form is collected to solicit and process applications for Grants and/or Loans. All information is collected in accordance with the Data Protection Act 1998 ('**DPA**'), and the General Data Protection Regulations 2018 ('**GDPR**'). By completing an application form, the Applicant is giving consent for the information to be collected and for the Council to communicate with them. The Council will hold all personal information on its database; grant related information will be disclosed to Members. The Council may publish lists of grants awarded, and use data in its publicity, but it will anonymise details of any individual grantees. If an Applicant(s) considers that any other information about their application should not be made publicly available, they will need to contact the Council to discuss this.

Annex 1
Form of “Request for Loan or Grant”

This form should be completed by the Applicant and submitted via email to sjones@tandridge.gov.uk

Name of Parish	
Parish clerk details: <ul style="list-style-type: none"> • Name • Email • Telephone number 	
Form of financial assistance being requested e.g. Grant or Loan	
Reason for the request for the Grant or Loan and the purpose for which the Grant or Loan is being requested and how will they be used	
How will the group sustain itself financially and operationally over the period of the COVID Emergency	
Are you working to support the community response to Covid-19 directly or have you teamed up with any local community groups to provide assistance? Please provide as much detail as possible in relation to any groups you are working alongside.	
Explain the type of assistance that you are providing during the emergency e.g. food deliveries?	
Have you requested a list of vulnerable residents within your area?	
Have you contacted these residents? If so, when, and what was the uptake in terms of responses? i.e. how many households requested assistance?	

How many volunteers are working to support the response efforts?	
Have you applied any of the Parish's own funds towards helping those in the community due to Covid-19?	
Have you received any other financial assistance from any other government entity? Also, do you have any other plans to raise funding. If so, please provide details.	
Please provide details of what the funds would be used for?	
Please provide bank account details (name of bank, name of account, account number and sort code)	

Confirmation Statement:

I _____ [insert name] of _____ Parish Council confirm that any Grant or Loan monies received by the Parish will be used for the sole purpose of providing support to vulnerable residents as a result of the Covid-19 outbreak.

[Delete as appropriate]

[In the case of a Grant, should there be any surplus funds once things return to normal, these will be paid back to the Council.]

[In the case of a Loan, I confirm that the Loan will be repaid in full to the Council not less than six months from the date of drawdown. Further, that there shall be no interest repayable on the Loan.]

.....
(Signature)