

To: Council
22 July 2020

Use of Emergency Decision-making Powers Director of Delivery – Democratic & Registration Services

1 Introduction

- 1.1 This report advises Members of the Chief Executive's use of emergency decision-making powers which authorised him to make all necessary changes to the Constitution to facilitate Council and Executive decision-making during the COVID-19 national emergency. The Chief Executive was authorised to exercise these powers on 24 March 2020 in accordance with the urgency procedure set out in Part 2: section 6.4.1 of the Constitution.
- 1.2 The Constitution requires a report to be presented to Council advising of the exercise of the emergency powers.

2 Supporting Information

- 2.1 At the beginning of the COVID-19 crisis it was quickly evident that council/committee meetings could not go ahead and that the Council could not lawfully hold meetings 'virtually' as the Local Government Act 1972 required that all Members must be physically present at decision-making council/committee and Executive meetings in order to be part of the quorum and to vote.
- 2.2 The Constitution makes provision for urgent Executive and non-Executive decision-making under urgency provisions. Exercise of these powers was sought to allow the Chief Executive to make decisions in relation to non-Executive matters in such times, in consultation with the relevant senior qualified officer(s), chairman of the relevant committee or panel responsible for the subject matter of the decision if available, and others deemed necessary according to the requirements of the decision at hand.
- 2.3 The Chief Executive exercised this authority on four occasions as follows:
- On 27 March to delegate planning powers to the Head of Planning
 - On 31 March to delegate to the Director of Finance authority to approve the annual Internal Audit Plan
 - On 7 April to suspend Part 4: section 11(7) of the Constitution relating to contract standing order waivers for contracts of a value up to the relevant EU threshold
 - On 7 April to amend Part 4: section 11(8) of the Constitution relating to contract extensions and variations, to the effect that any references to Director were extended to include any Executive Director, Director or Assistant Director whose remit included the relevant service area
- 2.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') came into force on 4 April 2020, making provisions for remote access to local authority meetings. From 23 April the Council has been able to hold meetings remotely via Teams and therefore all

Executive and non-Executive decisions have been able to be made in accordance with the Constitution.

- 2.5 The Chief Executive's authority to exercise emergency decision-making powers was subject to review at the end of June and has not been renewed.

3 Equalities Impact Assessment

- 3.1 Not relevant to this report.

4 Strategic Risk Management Issues

- 4.1 Not relevant to this report.

Background Papers

None

Contact for further information

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