

## CABINET

31<sup>st</sup> July 2020

### COVID 19 UPDATE & APPROACH TO CONTINUED USE OF EMERGENCY POWERS - UPDATE

#### Report of the Chief Executive

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: N/A	
If not on Forward Plan:	Chief Executive Approved	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources (other than Finance)	
Contact Officer(s):	Helen Briggs- Chief Executive	01572 758201 hbriggs@rutland.gov.uk
	Phillip Horsfield – Deputy Director Corporate Governance (Monitoring Officer)	01572 758154 phorsfield@rutland.gov.uk
Ward Councillors	All	

#### DECISION RECOMMENDATIONS

That Cabinet:
1. Notes the continued use of the Civil Emergency Delegation

## 1 PURPOSE OF THE REPORT

1.1 At the Cabinet meeting held on the 21<sup>st</sup> April 2020, it was agreed that Cabinet would:

- i) Note the use of the Civil Emergency Delegation
- ii) Note the Advice of the Chief Executive, Section 151 Officer and Monitoring Officer in relation to the duration of the emergency powers.

- iii) Agree to review the emergency powers at each meeting of Cabinet to ensure that the powers are still required.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 The Council's Scheme of Delegation makes provision for at 11.10.5 that the Chief Executive will have power:
- 2.2 "To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation."
- 2.3 Further the Financial Procedure Rule 4.6 states that:
- 2.4 "In the case of a 'major incident' as defined in the Emergency Plan, the Chief Finance Officer may determine that alternative arrangements to those in Finance Procedure Rules shall apply. In particular, the Chief Finance Officer in conjunction with the Chief Executive may: (a) establish different rules for financial systems and financial administration to the extent necessary to meet the requirements of the emergency; (b) establish a budget for the emergency, over and above the approved budget; (c) determine which officers may commit the emergency budget, and any rules to apply in managing the budget; (d) authorise any capital expenditure required as a consequence of the emergency"
- 2.5 It was established on March 16<sup>th</sup> 2020 that the opinion of the Chief Executive, Section 151 Officer and Monitoring Officer is that COVID-19 crisis activates both of these powers.
- 2.6 Early in the crisis a Decision Making Log was created for the use of the emergency powers (and other delegated powers that have been deployed during the crisis). This document has been created in order to record the decisions that have been made and the powers that these have been made under.
- 2.7 The Decision Making Log has been shared with all Members. This allows for scrutiny of decisions after the event and further ensures that all members are informed of the decisions that have been made through delegated powers.
- 2.8 The Decision Making Log also identifies who has been consulted in relation to each decision and includes information on the decision taker and the delegation used.
- 2.9 The program of meetings agreed at the Annual Council meeting on the 29<sup>th</sup> June 2020, included the restoration of both regular meetings and briefings. This reflects the position presently where the Council is operating some services at the same time as continuing to respond to the civil emergency.

## **3 DURATION OF THE EMERGENCY POWERS**

- 3.1 The Statutory Officers (Head of Paid Service/Chief Executive, Section 151 Officer and Monitoring Officer) are of the unanimous opinion that the powers referred to in paragraphs 2.2 and 2.4 above remain available for use by Officers while the crisis is ongoing.
- 3.2 As a programme of meetings has been re-instated then decisions relating to the

Council's day to day business will be made in the usual way. However, the position remains that the Council is still involved with the whole of the public sector in dealing with the present Civil Emergency and there remains a need to respond to the emergency. This is evidenced by the actions taken by partners in Leicester and through the additional powers granted to Council's in the *Local authority powers to impose restrictions: Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020*.

#### **4 CONSULTATION**

4.1 The report is an update on the position and as a consequence there has been no consultation on the matters contained within the report.

#### **5 ALTERNATIVE OPTIONS**

5.1 The report provides an update on information regarding the actions taken and the Constitutional position.

#### **6 FINANCIAL IMPLICATIONS**

6.1 There are no direct financial implications arising from this report as the report is for noting and is provided as an update.

#### **7 LEGAL AND GOVERNANCE CONSIDERATIONS**

7.1 These are contained in the Report

#### **8 DATA PROTECTION IMPLICATIONS**

8.1 None arising from the report.

#### **9 EQUALITY IMPACT ASSESSMENT**

9.1 An Equality Impact Questionnaire is not required for this report.

#### **10 COMMUNITY SAFETY IMPLICATIONS**

10.1 There are no community safety implications arising from this report.

#### **11 HEALTH AND WELLBEING IMPLICATIONS**

11.1 There are no health and wellbeing implications arising from this report.

#### **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

12.1 It was agreed by Cabinet to review the emergency powers at Cabinet meeting to ensure that the powers are still required. The emergency response remains in effect and the situation remains uncertain. Should circumstances become more challenging in the near future, there is a need for the emergency powers to be in place to allow for continued decision making under the Council's Scheme of Delegation

#### **13 BACKGROUND PAPERS**

13.1 There are no background papers for the report.

## **14 APPENDICES**

14.1 There are no appendices to the report

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