

ARUN DISTRICT COUNCIL

URGENT REPORT TO AND DECISION OF CABINET ON 08 FEBURAY 2021

SUBJECT: Officer Decision Taken During Coronavirus Emergency

REPORT AUTHOR: Nigel Lynn, Chief Executive

DATE: 05 February 2021

EXTN: 01903 737600

PORTFOLIO AREA: Corporate Support

EXECUTIVE SUMMARY:

In accordance with the provisions of the Officer Scheme of Delegation in the Council's Constitution, this report updates the Cabinet on a decision taken by Officers to incur expenditure or take urgent action in response to the Coronavirus emergency.

This has been included as an urgent item as the report was not prepared ahead of the agenda preparation timetable and this is the first opportunity to report the decision taken in line with the Council's Constitution.

RECOMMENDATIONS:

The Cabinet is asked to note and support the actions taken by Officers.

1. BACKGROUND:

1.1 Responding to the Coronavirus pandemic is the first peacetime national emergency that the Council has had to face. It has brought unprecedented challenges that officers have been responding to, on behalf of the Council, since early March. The latest national lockdown led to the need for an urgent decision to be taken to ensure that the Council could support its commercial tenants who were impacted by restrictions imposed by Central Government.

1.2 The Council had prepared for such a situation with the emergency provisions included within the Officer Scheme of Delegation in its Constitution. The two key provisions are:

- Group Heads and above have the power, in an emergency, to take such action as is necessary within the law to protect life, health and safety, the economic, social or environmental well-being of the District and to preserve property belonging to the Council or others (Part 4, Section 1, paragraph 1.9); and
- The Chief Executive, Director of Services and Director of Place have authority to incur expenditure for meeting the purposes of Local Government Act 1972, S.138 in connection with peacetime emergencies and disasters, subject to reporting their actions to the first subsequent meeting of Cabinet (Part 4, Section 2,

<p>paragraphs 2.11).</p> <p>1.3 The Officer Scheme of Delegation also gives the Chief Executive, Directors and Group Heads operational decision-making authority to maintain Council services as much as possible (Part 4, Sections 1 to 3).</p> <p>1.4 Transparency in decision making has been maintained through consultation with the Leader of the Council and the Cabinet Member for Technical Services.</p>		
<p>2. PROPOSAL(S):</p> <p>2.1 This meeting is the first opportunity for Officers to report the recorded emergency decision taken in line with their delegated authority at Part 4, Section 2, Paragraphs 2.11 of the Officer Scheme of Delegation.</p> <p>2.2 Cabinet is asked to note and support the action taken by officers.</p>		
<p>3. OPTIONS:</p> <p>None, as the officers have responded to this national peacetime emergency in line with the delegated authority given to them by the Council.</p>		
<p>4. CONSULTATION:</p>		
<p>Has consultation been undertaken with: All Political Group Leaders on 8 February 2021</p> <p>The Chairman of the Overview Select Committee was also informed.</p>	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)	X	
Leader of the Council and Cabinet Member for Technical Services		
<p>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</p>		
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land	X	
Technology		X
Other (please explain)		X
<p>6. IMPLICATIONS:</p>		

Financial Implications

These are set out in the appended decision record.

Legal Implications

Decisions taken by officers have followed the provisions of the Council's Constitution and any direction or law issued by Central Government.

7. REASON FOR THE DECISION:

To meet the requirements of the Council's Constitution.

8. EFFECTIVE DATE OF THE DECISION: 8 February 2021 as an urgent decision, it is to Call-In.

9. BACKGROUND PAPERS:

Appendix 1: Delegated Decision Record taken by Nigel Lynn, CEO, 11 January 2021
Council's Constitution - [Constitution](#)