

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Relevant Cabinet Member:	Councillor Blackburn, Leader of the Council
Date of Meeting:	11 May 2020

COVID – 19 – UPDATE REPORT AND DECISIONS

1.0 Purpose of the report:

- 1.1 To receive a report of the current situation for Blackpool regarding COVID-19 and the decisions taken by the Chief Executive since the Executive delegation to him on 23 March 2020.

2.0 Recommendation(s):

- 2.1 That following the introduction of the report by the Leader of the Council, to agree that the Chief Executive reports on how he has exercised his delegations at Appendix 7(a) with no time limit on his presentation. Members then to ask questions of the Chief Executive and Leader of the Council.
- 2.2 To endorse the council related decisions listed at Appendix 7(b) undertaken by the Chief Executive in respect of the coronavirus pandemic, in terms of additional expenditure and budgetary pressure caused by loss of income.
- 2.3 To approve, in retrospect, the taking of all actions outlined in Appendix 7(b) even if these actions should have been included in the Forward Plan or have resulted in unapproved departures from the budget framework, policy framework, or Contract Procedure Rules as the decisions were required urgently due to the major incident.
- 2.4 To agree to delegate to the Chief Executive delegated powers to act outside of the Forward Plan, the budget and policy frameworks and the Contracts Procedure Rules, should the need arise where such decisions are required urgently in relation to issues appertaining to COVID-19, following consultation with each of the Group Leaders and the relevant Cabinet Member. This to be reviewed at the next Council meeting.
- 2.5 To agree that weekly briefings continue between the Chief Executive, his extended Management Team, the four Group Leaders and the two Members of Parliament, until that group determines either the frequency of meetings change and/ or they are no longer required.

3.0 Reasons for recommendation(s):

3.1 To enable strategic and other decisions to be taken on behalf of the Council as a matter of urgency should the need arise in response to the COVID-19 pandemic. This delegation is to be reviewed at the next scheduled Council meeting.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? Yes – but the object of the report is to approve this departure.

3.2b Is the recommendation in accordance with the Council's approved budget? No – but the object of the report is to agree the decisions outwith the budget framework.

3.3 Other alternative options to be considered:

The Scheme of Delegation could remain unchanged although Council would need to meet to exercise those functions for which it was responsible. The need to respond in an urgent manner would more than likely hinder the position of the council in dealing with the implications of the COVID-19 pandemic, unless a delegation is given.

4.0 Council priority:

4.1 The relevant Council priorities are:

- “The economy: Maximising growth and opportunity across Blackpool”
- “Communities: Creating stronger communities and increasing resilience”.

5.0 Background Information

5.1 The Chief Executive declared a major incident for Blackpool Council under the Civil Contingencies Act 2004 on 23 March 2020 on the grounds that the definition of a major incident as laid out in the ‘Joint Emergency Services Interoperability Principles’ (JESIP) had been met along with the definition of an ‘Emergency’ as laid out under the Civil Contingencies Act 2004. This was in relation to the developing situation regarding the coronavirus pandemic.

5.2 Later that day the Executive met and agreed as an urgent item the delegation of powers to the Chief Executive due to the developing coronavirus pandemic. This enabled the Chief Executive to make any decision on behalf of Executive and if necessary by implication the Council (subject to ratification). The decision would, in most circumstances, include consultation with the Leader of the Council. Where appropriate, the three opposition Group Leaders would also be notified in advance.

5.3 Often it has been clear that in certain circumstances that the rapid changes in the pandemic meant that decisions could be key decisions and such a process might not have been followed. Equally in decisions like closing fee generating services for an open-ended period is a situation where the decision is not a ‘key decision’ one at that

point, but can quickly become one. The Council's priority is in ensuring safety for residents, its staff and service users. In light of these exceptional and unforeseen circumstances the Council is asked to confirm approval in all circumstances the actions outlined.

- 5.4 The full decision notice of the Executive is accessible at this http://democracy.blackpool.gov.uk/documents/s53291/EX22%20Emergency%20delegation_Executive.pdf. In light of the timing of this report, this delegation is currently being reviewed by the Leader. To complement this decision making process, the Chief Executive arranged for a daily briefing at 4pm with his extended Corporate Leadership team to which the Leader of the Council and one of the Deputy Leaders also attended, in a virtual setting.
- 5.5 The Chief Executive and Leader of the Council, together with the Chief Executive's extended Corporate Leadership team have been holding a weekly briefing with the three Opposition Group Leaders (Councillor Mrs Callow having a dual role in this as Lead Scrutiny Member). The briefing to be on the current situation affecting the Council and any decisions taken or likely to be taken, seeking their views as appropriate. The invitation was also extended to the two local Members of Parliament, Mr Maynard and Mr Benton.
- 5.6 Minutes of all these meetings have been taken and in accordance with the Civil Contingencies Act 2004, a separate decision making log has also been kept.
- 5.7 As indicated some of the decisions the Chief Executive has made have been outside the budget and policy framework and although this was anticipated when the Executive decision was made, it is for this meeting to formally ratify these.
- 5.8 Appendix 7(a) is a report from the Chief Executive on how he has exercised these decisions and the Leader will invite the Chief Executive to expand on the Council's approach to dealing with the coronavirus pandemic and outline the decisions taken.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 7(a) – Report from the Chief Executive about the Council's approach to dealing with the coronavirus pandemic.

Appendix (7b) – Report setting out the decisions taken by the Chief Executive, both from an officer Executive decision perspective and where necessary ones relating to those outside the budget and policy framework which require Council ratification.

6.0 Legal considerations:

6.1 The Government was at the start of the pandemic considering a Bill (now the Coronavirus Act 2020) to give emergency measures to give ministers powers to take the right action at the right time to respond effectively to the progress of the coronavirus outbreak.

6.2 The measures in the Coronavirus Act are temporary, proportionate to the threat, will only be used when strictly necessary and will be in place for as long as required to respond to the situation. However, this has put further pressure on the Council to respond to this emergency and the delegation for the Chief Executive to act outside the forward plan, the budget and policy frameworks and contracts procedure rules, following consultation with the Group Leaders, will assist with that and allow an immediate response.

7.0 Human Resources considerations:

7.1 The report identifies the role the Council's workforce has undertaken which has seen many staff be deployed into other roles and undertake duties which are necessary for dealing with the pandemic.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

9.1 There are financial considerations and those the Council is aware of at the time of this report being published are listed in Appendix 7(b). Any decision in this category has been consulted on with either the Statutory Finance Officer or in his absence his Deputy.

10.0 Risk management considerations:

10.1 The proposals would ensure business continuity on strategic and other matters if it becomes necessary to postpone or cancel Council meetings.

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External consultation undertaken:

12.1 The four Group Leaders have been informally consulted on these proposals.

13.0 Background papers:

13.1 There are no additional background papers to this report.