

Notice of:	EXECUTIVE
Decision Number:	EX23/2020
Relevant Officers:	Neil Jack, Chief Executive Mark Towers, Monitoring Officer Steve Thompson, Statutory Finance Officer
Relevant Cabinet Member:	Councillor Simon Blackburn, Leader of the Council
Date of Decision:	15 June 2020

AMENDMENTS TO EMERGENCY DELEGATION OF EXECUTIVE POWERS DUE TO CORONAVIRUS PANDEMIC

1.0 Purpose of the report:

1.1 The Chief Executive agreed on the 23 March 2020 that a major incident should be declared for Blackpool Council under the Civil Contingencies Act 2004. The Executive therefore at its meeting on 23 March 2020 agreed steps for the potential emergency delegation of powers to officers due to the developing Coronavirus pandemic. These powers were approved in decision EX22/2020 and were the subject of a review at the next Executive meeting. The purpose of this report is to undertake that review.

2.0 Recommendation(s):

2.1 To amend decision 2 of EX22/2020 to read “as an emergency measure, to delegate all urgent Executive decision making to the Chief Executive and the Council’s Directors (as appropriate), in relation to their areas of responsibility. This decision making to be in response to issues caused directly or indirectly from the Coronavirus pandemic and would protect citizens in regard to public safety. This delegation to only be used after consultation with the Leader of the Council and the relevant Cabinet Member(s) and only when other forms of decision making are not available.”

2.2 To note that Executive meetings can now take place virtually subject to the revised procedure rules approved at the Council meeting on 11 May 2020 and where possible this should be preferred course of approval for key decisions.

2.3 To note that the Chief Executive and Leader of the Council and the Extended Corporate Leadership Team will continue to hold regular conference calls with the three Opposition Group Leaders (Councillor Mrs Callow has had and will have a dual role in this as Lead Scrutiny Member), to brief them on the current situation affecting

the Council and any decisions taken or likely to be taken, seeking their views as appropriate.

- 2.4 To note that the Council at its meeting on 11 May 2020 agreed to delegate Council functions in this regard to the Chief Executive and also agreed to continue with the conference calls with the Group Leaders and MPs and that this would be reviewed at the next formal Council meeting (20 July 2020). It is recommended that these Executive delegations be reviewed again at the next Executive meeting on 13 July 2020. It may be that at that juncture then normal decision making processes may be reverted to or a timetable put in place for such a reversion.

3.0 Reasons for recommendation(s):

- 3.1 As outlined in decision EX22/2020 the delegated authority was approved to be 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. The minor amendments in the report outlined some changes based on the longer-term use of these powers and the need to involve the relevant Cabinet Member and lead Chief Officers. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392 also now allow for virtual Executive meetings which will assist decision making.

It is anticipated that the number of decisions to be made in this way will be minimal compared to the first few weeks of the outbreak of the pandemic but having this flexibility at least until later in July will allow issues to be dealt with swiftly and appropriately.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No.

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes.

4.0 Other alternative options to be considered:

- 4.1 The option to return to normal decision making is available but as the country is currently going through recovery phases in June and July and as there is an Executive in July then it can be reviewed after the relaxation of lockdown.

5.0 Council priority:

- 5.1 The relevant Council priority is
- "The economy: Maximising growth and opportunity across Blackpool"

- “Communities: Creating stronger communities and increasing resilience”

6.0 Background information

- 6.1 By the 23 March 2020, it had become difficult for organisations in all sectors to meet their regulatory requirements whilst also fulfilling their legal duties to ensure their staff, service users and wider members of the public remained safe. There are a range of ways in which the Council makes decisions. At its meeting on 23 March 2020, the Executive agreed emergency steps which the Council would take when it became impossible for urgent decisions to be taken in the normal manner (reference EX22/20200). The developing Coronavirus situation more than justified that decision as a large number of decisions were required urgently to deal with the situation during the first few weeks. This allowed the Council to decisively and speedily react to the situation with all Group Leaders consulted via a weekly conference call.
- 6.2 The Council is now in a different situation and it is suggested that the role of the relevant Cabinet Member as a key consultee and in any urgent decision should be formally reflected in the process. The relevant Cabinet Member has been consulted regularly on such decisions and this recommendation formalises that approach. The other recommendations make it clear that where at all possible the normal decision making process should be used and this would include potentially an urgent decision being made in the short term by the Chief Executive, or a Director and then followed by a decision on the longer term implications by the Executive. For example the immediate closure of buildings or reopening of services due to changes in government guidance followed by a decision by elected members as to longer term issues.
- 6.3 Since the Executive meeting on 23 March 2020, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392 has been published and this allows for meetings to be held by video conference or telephone dial in. This allows greater flexibility to hold Executive meetings remotely and it is considered that where possible major decisions should be made via virtual Executive meetings. These meetings would be held in line with the principles agreed at the Council meeting on 11 May 2020.
- 6.4 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 None.

8.0 Legal considerations:

8.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392.

9.0 Human resources considerations:

9.1 This delegation will continue to allow the Chief Executive and where appropriate the Directors to deploy the workforce, to act flexibly and with authority in the interests of its citizens and public safety and allow the Council to respond.

10.0 Equalities considerations:

10.1 None.

11.0 Financial considerations:

11.1 It is impossible at this stage to state what financial implications future decisions may incur but any decision in this category will be consulted on with either the Statutory Finance Officer or in his absence his Deputy. An update of the current position was given at the May Council meeting and a further update will be given at the July 2020 Council meeting.

12.0 Risk management considerations:

12.1 This delegation will continue to give the Chief Executive and where appropriate the Directors the flexibility to make urgent decisions in the interests of its citizens and public safety and allow the Council to respond.

13.0 Ethical considerations:

13.1 Despite the alternative arrangements that will be put in place, it is important that reports should still be written with sound and cogent reasons for decisions. Individual decision-makers will need to have regard to the publication requirements under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and have cogent reasons to take decisions on grounds of urgency and in accordance with the general exceptions and special urgency provisions.

13.2 A report on the decisions taken during the first six weeks of the pandemic was submitted to Council by the Chief Executive on 11 May 2020. It is proposed that decisions taken since that meeting will be reported as part of the Council agenda for the 20 July 2020 meeting.

14.0 Internal/external consultation undertaken:

14.1 The Leader of the Council has been consulted on the review of this delegation.

15.0 Background papers:

15.1 None.

16.0 Key decision information:

16.1 Is this a key decision? No

16.2 If so, Forward Plan reference number:

16.3 If a key decision, is the decision required in less than five days? No

16.4 If **yes**, please describe the reason for urgency:

17.0 Call-in information:

17.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

17.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

18.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A Date approved: N/A

19.0 Declarations of interest (if applicable):

19.1 None.

20.0 Executive decision:

20.1 The Executive agreed the recommendations as outlined above namely:

1. To amend decision 2 of EX22/2020 to read “as an emergency measure, to delegate all urgent Executive decision making to the Chief Executive and the Council’s Directors (as appropriate), in relation to their areas of responsibility. This decision making to be in response to issues caused directly or indirectly from the Coronavirus pandemic and would protect citizens in regard to public safety. This delegation to only be used after consultation with the Leader of the Council and the relevant Cabinet Member(s) and only when other forms of decision making are not available.”
2. To note that Executive meetings can now take place virtually subject to the revised procedure rules approved at the Council meeting on 11 May 2020 and where possible this should be preferred course of approval for key decisions.
3. To note that the Chief Executive and Leader of the Council and the Extended Corporate Leadership Team will continue to hold regular conference calls with the three Opposition Group Leaders (Councillor Mrs Callow has had and will have a dual role in this as Lead Scrutiny Member), to brief them on the current situation affecting the Council and any decisions taken or likely to be taken, seeking their views as appropriate.
4. To note that the Council at its meeting on 11 May 2020 agreed to delegate Council functions in this regard to the Chief Executive and also agreed to continue with the conference calls with the Group Leaders and MPs and that this would be reviewed at the next formal Council meeting (20 July 2020). It is recommended that these Executive delegations be reviewed again at the next Executive meeting on 13 July 2020. It may be that at that juncture then normal decision making processes may be reverted to or a timetable put in place for such a reversion.

21.0 Date of Decision:

21.1 15 June 2020

22.0 Reason(s) for decision:

22.1 As outlined in decision EX22/2020 the delegated authority was approved to be 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. The minor

amendments in the report outlined some changes based on the longer-term use of these powers and the need to involve the relevant Cabinet Member and lead Chief Officers. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392 also now allow for virtual Executive meetings which will assist decision making.

It is anticipated that the number of decisions to be made in this way will be minimal compared to the first few weeks of the outbreak of the pandemic but having this flexibility at least until later in July will allow issues to be dealt with swiftly and appropriately.

23.0 Date Decision published:

23.1 16 June 2020

24.0 Executive Members in attendance:

24.1 Councillor Blackburn, in the Chair

Councillors Benson, Brookes, Campbell, Farrell, Hobson, Kirkland, Smith, I Taylor and L Williams

25.0 Call-in:

25.1

26.0 Notes:

26.1 The following non-Executive member was in attendance:

Councillor Collett