

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Relevant Cabinet Member:	Councillor Lynn Williams, Acting Leader of the Council
Date of Meeting:	20 July 2020

COVID-19 – REVIEW OF THE CHIEF EXECUTIVE’S DELEGATION

1.0 Purpose of the report:

1.1 To review the urgent delegated powers assigned to the Chief Executive at the last meeting of Council on 11 May. The powers were given for the purpose of acting swiftly and flexibly to urgent matters relating to the pandemic, but only for the length of time needed to respond to such a situation. A review was agreed to take place at this meeting.

2.0 Recommendation(s):

2.1 To rescind the delegation to the Chief Executive agreed at the Special Meeting of Council on 11 May 2020, as in line with that approval, the delegation is no longer required to respond to the situation.

2.2 To help manage future major incidents, the Constitution be amended to allow the Chief Executive (or in his absence a nominated deputy) to be given delegated authority to exercise any urgent Council decision where, in the opinion of the Chief Executive (or in his absence the nominated deputy), by reason of limitation of time or urgency, a decision is required on any matter relating to a major incident. Any decisions taken in this manner shall be reported to the next meeting of Council for information.

2.3 That the delegation at 2.2, should it be activated to also include 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 the major incident, following consultation with each of the Group Leaders and the relevant Cabinet Member.

2.4 That the delegated authority at 2.2 and 2.3 be activated only after consultation with the Leader of the Council and the other Group Leaders and the Chair of the Scrutiny Leadership Board and the delegated authority be temporary, proportionate to the threat, only to be used when strictly necessary and be in place for as long as required to respond to the situation.

2.5 To agree that should such a delegation be activated in the future, then periodic briefings be held between the Chief Executive, his extended Management Team, the four Group Leaders and the two Members of Parliament.

2.6 To request that the Monitoring Officer update the Constitution accordingly.

3.0 Reasons for recommendation(s):

3.1 In line with the previous decision of Council on 11 May, it is now considered that the delegation is no longer necessary to respond to the situation. A recommendation to put in a provision in the Constitution to delegate to the Chief Executive an urgent power to act on behalf of Council should there be a need in this current pandemic (e.g. local lockdown or second wave) or a future major incident is prudent and will allow the Council to react decisively and speedily to the situation.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? Yes – this will mean a change to the Council’s Constitution.

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

The delegation is no longer necessary for the Chief Executive to respond to the situation, so in terms of good governance it is recommended that it be rescinded. However, provision in the Constitution for such a delegation to be activated in the future will allow the Council to respond quickly and flexibly to any major incident.

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 in relation to the pandemic. This was reviewed and updated at the meeting of the Executive on 15th June 2020. The Executive is being requested to rescind this delegation to the Chief Executive at its meeting on 13 July, as the delegation is no longer required to respond to the situation.
- 5.3 The Executive though is being recommended to put in place a future delegation for the Chief Executive to allow him (or a nominated deputy) to respond to a major incident and act with the powers of the Executive. This would only be activated after consultation with the Leader of the Council and the other Group Leaders and the Chair of the Scrutiny Leadership Board.
- 5.4 This report is asking Council to rescind the delegation given at the last meeting but to put in place within the Constitution, a similar provision as that referred to in para 5.3 above, but in relation to the powers of Council.
- 5.5 It is recommended that should this delegation be activated in the future then the Chief Executive, together with the Chief Executive's extended Corporate Leadership team hold periodic briefings with the Group Leaders and the Lead Scrutiny Member. The briefing to be on the major incident affecting the Council at that time and any decisions taken or likely to be taken, seeking their views as appropriate. The invitation could also be extended to the two local Members of Parliament. Minutes of all these meetings would be taken and in accordance with the Civil Contingencies Act 2004, a separate decision making log will also be kept.

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

- 6.1 The Government has passed 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. The Chief Executive's delegation was put in place in a similar manner and it is considered that it is now no longer necessary to have such a delegation to respond to the situation.

7.0 Human Resources considerations:

7.1 During a major incident, the Council's workforce will support the Chief Executive in carrying out his delegated powers.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

9.1 There would likely be financial considerations, should a major incident be declared and these may be outwith the budget but any decision in this category would be 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.

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.