

<b>Notice of:</b>	<b>EXECUTIVE</b>
<b>Decision Number:</b>	EX30/2020
<b>Relevant Officer:</b>	Neil Jack, Chief Executive Mark Towers, Monitoring Officer Steve Thompson, Statutory Finance Officer
<b>Relevant Cabinet Member:</b>	Councillor Lynn Williams, Deputy Leader of the Council
<b>Date of Decision:</b>	13 July 2020

## 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 emergency delegation of powers to the Chief Executive due to the Coronavirus pandemic. These powers were approved in decision EX22/2020 and were reviewed at the meeting of the Executive on 15 June 2020 and are set out in decision EX23/2020. The purpose of this report is to undertake a final review and consider a delegation for future major incidents.

### 2.0 Recommendation(s):

2.1 To rescind the delegation to the Chief Executive agreed under decision EX22/2020 and amended under EX23/2020, as in line with these previous approvals, the delegation is no longer required to respond to the situation. Normal Executive decision making would now be utilised, in line with the Executive decision making criteria updated on 24 February 2017 and the Constitution.

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 Executive 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 the Executive or Council for information.

- 2.3 That the delegated authority at 2.2 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.
- 2.4 That for each Executive decision taken under this delegated power, the relevant Cabinet Member be consulted, where possible.
- 2.5 That during the exercise of this delegation then periodic briefings be held with the Group Leaders and local Members of Parliament.
- 2.6 To note that a similar recommendation will be made to the next Council meeting, in relation to Council functions and responsibilities.
- 2.7 To request that the Monitoring Officer update the Constitution accordingly.

**3.0 Reasons for recommendation(s):**

3.1 In line with the previous decisions of the Executive, 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 urgency executive power 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? No.

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

**3.3 Other alternative options to be considered:**

The option to return to normal decision making is now considered appropriate due to the current situation.

**4.0 Council priority:**

4.1 The relevant Council priority is both:

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

## **5.0 Background information**

5.1 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.

5.2 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 all Group Leaders consulted and briefed via a weekly conference call. This delegation was reviewed and amended on 15 June 2020 (EX23/2020).

5.3 The Council is now in a different situation and one condition in the previous delegation was that the delegation should only be in force if there was a requirement to respond to the situation in an urgent manner. That is now not considered necessary. This is also backed up by the Lancashire Resilience Forum moving from the acute response phase into the managed response phase.

5.4 However, having the existence of such a delegation in the constitution will allow it to be utilised again should there be a recognised need (e.g. local lockdown, second wave or future major incident).

5.5 Does the information submitted include any exempt information? No

## **5.6 List of Appendices:**

None.

## **6.0 Legal considerations:**

6.1 The provision of a delegation as described in the constitution is seen as good governance and will allow the Council's and its residents' interest to be protected in the future should there be an urgent decision required arising from a major incident.

**7.0 Human resources considerations:**

7.1 This delegation will allow the Chief Executive should a major incident occur to deploy staff resources appropriately and permit the Council to act flexibly and with authority in the interests of its citizens and public safety.

**8.0 Equalities considerations:**

8.1 None.

**9.0 Financial considerations:**

9.1 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.

**10.0 Risk management considerations:**

10.1 This existence of such a delegation in the constitution will allow the Chief Executive (or nominated deputy) to make urgent decisions in the interests of citizens and public safety and allow the Council to respond, mitigating risk as far as possible.

**11.0 Ethical considerations:**

11.1 Decisions should still be recorded and have cogent reasons to take decisions on grounds of urgency and in accordance with the general exceptions and special urgency provisions.

**12.0 Internal/external consultation undertaken:**

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

**13.0 Background papers:**

13.1 None.

**14.0 Key decision information:**

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

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



4. That for each Executive decision taken under this delegated power, the relevant Cabinet Member be consulted, where possible.
5. That during the exercise of this delegation then periodic briefings be held with the Group Leaders and local Members of Parliament.
6. To note that a similar recommendation will be made to the next Council meeting, in relation to Council functions and responsibilities.
7. To request that the Monitoring Officer updates the Constitution accordingly.

**19.0 Date of Decision:**

19.1 13 July 2020

**20.0 Reason(s) for decision:**

20.1 In line with the previous decisions of the Executive, it is now considered that the delegation is no longer necessary to respond to the situation. The decision to put in a provision in the Constitution to delegate to the Chief Executive an urgency executive power 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.

**21.0 Date Decision published:**

21.1 14 July 2020

**22.0 Executive Members in attendance:**

22.1 Councillor L Williams, in the Chair

Councillors Benson, Brookes, Campbell, Farrell, Hobson, Kirkland, Smith and Taylor.

**23.0 Call-in:**

23.1

**24.0 Notes:**

24.1 The following non-Executive member was in attendance:

Councillor Collett

The Executive offered thanks to Neil Jack, Chief Executive, for his and all Council Officers' hardwork and dedication in dealing with the major incident.