

For publication

Report of Decisions taken under Emergency Delegated Decision Making Powers and Special Urgency Provisions

Meeting:	Full Council
Date:	15 July 2020
Cabinet portfolio:	Leader
Report by:	Senior Democratic and Scrutiny Officer

For publication

1.0 Purpose of report

- 1.1 To present a report to full Council on the decisions taken under the emergency delegated decision making powers approved in March, 2020 in response to the Covid-19 pandemic and under the special urgency provisions of the Access to Information Procedure Rules within the Council's constitution.

2.0 Recommendations

- 2.1 That the decision notices of the Cabinet decisions delegated to the Leader of 28 April, 2020 and the Deputy Leader of 27 March and 7 April, 2020 under the emergency delegated

decision making powers (attached as Appendices 1 – 3) be noted.

- 2.2 That the schedule of the Planning Committee and Licensing Committee decisions delegated to officers under the emergency delegated decision making powers (attached as Appendix 4) be noted.
- 2.3 That the report of decisions taken under the special urgency provisions (attached at Appendix 5) be noted.
- 2.4 That it be noted that the decision of the Leader on 4 June, 2020 was taken under paragraph 15 of the Cabinet Procedure Rules in Part 4 of the Council's constitution in accordance with Section 15 (4) of the Local Government Act 2000.

3.0 **Background**

- 3.1 In mid-March, 2020, as the impact of the Covid-19 pandemic was rapidly increasing, and taking account of emerging advice from the Local Government Association (LGA) in respect of the increasing likelihood of it being impossible or impractical or inadvisable to hold member level meetings with members physically present, it became clear that local authorities would need to urgently make arrangements to ensure the continuity of lawful and effective decision making.
- 3.2 The Council's Monitoring Officer therefore prepared a report proposing temporary revised delegated decision making structures during emergencies, and it was agreed with the leaders of the three political groups that this be submitted to an urgently arranged meeting of the Council's Standards and Audit Committee on 19 March, 2020. The Committee has power to modify delegations in the Constitution.

3.3 At that meeting on 19 March, 2020 the Standards and Audit Committee approved the framework set out in the report for delegated decision making subject to minor amendments, and this was put into effect by the Chief Executive on 20 March, 2020.

3.4 In summary the principles of the framework were for decision making by a single member or officer, as follows:

- **Council Decisions** - unless required by law to be made by full council, the Chief Executive in consultation with the Leader, the Deputy Leader (or most appropriate Cabinet Member dependent on the subject matter of the decision being made) and the Leader of the Opposition;
- **Cabinet decisions** - to be made by the Leader or Deputy Leader after consultation with Cabinet Members and Leader of the Opposition;
- **Planning Committee decisions** - delegated to each of the Development Management and Conservation Manager and the Principal Planner or to the Assistant Director - Economic Growth in consultation with the Chair and members of Planning Committee;
- **Standards and Audit Committee decisions** - delegated to the Monitoring Officer in consultation with the Chair and members of the committee;
- **Other committees' decisions** - delegated to the appropriate Assistant Director or an Executive Director.

3.7 Subsequently on 5 May, 2020, following the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 coming into effect on 7 April, 2020, the Standards and Audit Committee approved Standing

Orders to enable member level meetings to be held and decisions made remotely. Before then the law had required physical meetings. The emergency delegations approved on 19 March, 2020 continued to be in effect in parallel and to be retained as a fallback measure.

4.0 **Decisions taken under Emergency Delegated Decision Making Powers**

4.1 Following the approval of the framework for decision making by a single member or officer by the Standards and Audit Committee on 19 March, 2020, there have been five Cabinet decisions delegated to the Leader or Deputy Leader, and the decision notices for each of these are attached as **Appendices 1 – 3** to this report.

4.2 There have also been three Planning Committee decisions delegated to the Development Management and Conservation Manager or Principal Planner and two Licensing Committee decisions delegated to the Assistant Director – Health and Wellbeing. A schedule of these decisions, including links to the decision notices, is attached at **Appendix 4** to this report.

5.0 **Decisions taken under Special Urgency Provisions**

5.1 The Council's Access to Information Procedure Rules (detailed within Part 4 of the Council's constitution) provide for key decisions which have not been included in the Forward Plan to be taken if it would be impracticable to defer the decision until it has been included on the next version of the Forward Plan. Where it is not practicable to give at least five clear days' notice of such a decision the agreement of the Chair of the Overview and Performance Scrutiny Forum must be obtained that the taking of the decision is urgent and cannot reasonably be deferred (Rule 16 – special urgency).

- 5.2 The Access to Information Procedure Rules require that, where any decisions are taken in the circumstances set out in Rule 16, the Leader will submit a report to the meeting of the Council each year on such special urgency decisions taken in the preceding twelve months.
- 5.3 It is exceptionally rare for any key decisions at Chesterfield Borough Council to be taken under these special urgency provisions. However, responding to the exceptional circumstances brought about by the Covid-19 pandemic has required the Council to react rapidly, and it has therefore been necessary for decisions to be taken in accordance with these special urgency provisions on six occasions in recent months.
- 5.4 Details of these six decisions are included at **Appendix 5** to this report.
- 5.5 In each case the agreement of one of the joint Chairs of the Overview and Performance Scrutiny Forum was obtained prior to the decision being taken.
- 5.6 Furthermore, it should be noted that the decision of the Leader on 4 June, 2020 was taken under paragraph 15 of the Cabinet Procedure Rules in Part 4 of the Council's constitution in accordance with Section 15 (4) of the Local Government Act 2000, where a function which has not been allocated in the scheme of delegation by the Council, may be discharged individually by the Leader, subject to this discharge being reported to full Council.

6.0 **Recommendations**

- 6.1 That the decision notices of the Cabinet decisions delegated to the Leader of 28 April, 2020 and the Deputy Leader of 27 March and 7 April, 2020 under the emergency delegated

decision making powers (attached as Appendices 1 – 3) be noted.

- 6.2 That the schedule of the Planning Committee and Licensing Committee decisions delegated to officers under the emergency delegated decision making powers (attached as Appendix 4) be noted.
- 6.3 That the report of decisions taken under the special urgency provisions (attached as Appendix 5) be noted.
- 6.4 That it be noted that the decision of the Leader on 4 June, 2020 was taken under paragraph 15 of the Cabinet Procedure Rules in Part 4 of the Council's constitution in accordance with Section 15 (4) of the Local Government Act 2000.

7.0 **Reasons for recommendations**

- 7.1 To report to Council those decisions taken under the emergency delegated decision making powers approved in March, 2020 and under the special urgency provisions of the Access to Information Procedure Rules in accordance with the requirements of the Council's constitution.

Decision information

Key decision number	N/A
Wards affected	All wards
Links to Council Plan priorities	All

Document information

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