

Report To: Full Council

Date of Meeting: Wednesday, 13th October 2021

Report Title: Extension of Emergency Powers

Report By: Mary Kilner, Monitoring Officer

Key Decision: Y

Classification: Open

Purpose of Report

In making its winter preparedness plans the Council needs to ensure there is a mechanism for effective decision making should the Cabinet, Council or its Committees not be able to meet in public to take urgent decisions due to a rise in infection rates or hospitalisations as a result of the Covid-19 pandemic.

Recommendation(s)

1. Full Council adopts an amendment to Paragraph 26.22 of Part 4 of the Council's Constitution to extend the emergency powers given to the Managing Director with immediate effect for no more than six months.

Reasons for Recommendations

1. During the Covid 19 Pandemic it has been necessary to adapt our procedures to be able to continue the Council's business.

Introduction

1. The full council meeting on 14th April 2021 agreed an extension of the Emergency Powers which had been granted to the Managing Director on 18th March 2020 at the start of the pandemic.

2. This temporary change to the constitution was agreed in the context of the inability of the council to make decisions at virtual meetings following the lapse of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations gave Councils the power to hold public meetings remotely through electronic, digital, virtual locations and telephone conferencing technology, but no longer applied to meetings held on or after 7th May 2021.

3. The full text of the amendment to 26.22 of Part 4 of the Council's Constitution which was agreed is as follows:

'In urgency and/or emergency situations whereby Cabinet or Council and their respective Committees cannot meet to determine the Council's business, delegated authority is given to the Council's Managing Director (or nominee) in consultation with a minimum of 4 members of Cabinet, one of whom to be the Leader or Deputy Leader of the Council.

The Managing Director (or nominee) should also consult with the Leader or Deputy Leader of the opposition.

These emergency powers require the Managing Director to make a risk assessment as to the holding of all Council, Cabinet or Committee meetings 'in person' in such emergency situations and putting in place the necessary arrangements to be able to conduct those meetings in safety and in compliance with the current government and legal guidance.

The delegation is to cover all Cabinet's, Council's and Committee's powers, duties and functions not currently covered by Part 8 of the Council's Constitution.

In relation to Regulatory Committees, the Managing Director should also consult with the Chair of the relevant Committee and the Council's Monitoring Officer to make a decision as to the conduct of that Committee meeting and the manner in which it is to be held.

In circumstances where the Managing Director's nominee is exercising these emergency powers (in the absence of the Managing Director) he or she must also consult with the Council's Monitoring Officer and Section 151 Officer.

*Emergency circumstances would include the sorts of events covered by our Emergency Plan as well as unprecedented episodes, such as pandemics. "Urgency" would in most cases be confined to essential decision making during such emergency situations. **This change to apply from 14th April 2021 for a period of no more than 6 months.** Any proposed extension or reinstatement of this change must be put to Full Council with full reasons outlined.*

4. The emergency powers granted to the Managing Director have been used only once since April 2021, following consultation with the Cabinet and the Leader of the Opposition, and a record of the decision was published here [MD Decision](#).
5. The Government have not yet brought forward primary legislation to enable councils to hold virtual public meetings, nor have they responded to the consultation which closed on 17th June 2021 to set out the next steps it intends to take with regard to legislating to allow the use of virtual meetings.

Winter 2021/22 planning

6. The Council is preparing, as advised by government and public health professionals, its winter contingency plans for supporting the community and continuity of its services and governance for the next six months. Whilst good progress has been made in vaccinating a significant proportion of the population, there is concern amongst health professionals about what the winter months will bring.
7. Since May 7th 2021, the Council has been able to hold all its public meetings face to face in a covid-secure environment. There is however an expectation that infection rates and hospitalisations will increase over the winter months and the council needs to be prepared for this eventuality.
8. It is in this context that the proposal is presented to Council to extend the delegated authority to the Managing Director for no more than six months on the same basis as was agreed in April 2021 (set out in para 3 above) and amend the sentence in the final paragraph to read as follows: "This change to apply from 13 October 2021 for a period of no more than 6 months."

Wards Affected

(All Wards);

Policy Implications

Reading Ease Score:

Have you used relevant project tools?: Y/N

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Y/N
Crime and Fear of Crime (Section 17)	Y/N
Risk Management	Y/N
Environmental Issues & Climate Change	Y/N
Economic/Financial Implications	Y/N
Human Rights Act	Y/N
Organisational Consequences	Y/N
Local People's Views	Y/N

Anti-Poverty
Legal

Y/N
Y/N

Additional Information

Officer to Contact

Officer: Mary Kilner
Email: mkilner@hastings.gov.uk
Tel: 01424 451730