

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

18 DECEMBER 2020

REPORT OF THE LEADER OF THE COUNCIL

A.5 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

(Report prepared by Ian Ford, Committee Services Manager)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

EXECUTIVE SUMMARY

In accordance with the procedures contained in the Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020, this report formally notifies Members of recent urgent Executive Decision(s) taken by the Leader of the Council on behalf of the Cabinet.

RECOMMENDATIONS

- (a) That the contents of the report be noted; and**
- (b) That the urgent decision(s) taken by the Leader of the Council on behalf of the Cabinet, as detailed in this report, be formally endorsed.**

PART 2 – SUPPORTING INFORMATION

BACKGROUND

As part of the Council's response to the COVID-10 public health emergency the Council's Monitoring Officer produced a formal "Note on Decision Making Business Continuity Arrangements" which set out the ways in which the normal operational business could continue in relation to decisions which would normally be referred to Cabinet, Council or Committees.

In relation to Cabinet decisions the Monitoring Officer's formal Note included, inter alia, the following information and advice:-

"The Constitution requires certain matters to be decided by Cabinet collectively. The Leader of the Council may exercise any of the powers delegated to the Cabinet:

- a. Following a resolution of the Cabinet (subject to the Constitution), or*
- b. In cases of urgency, in consultation with the Monitoring Officer and/or Section 151*

Officer.

In cases of urgency the decision of the Leader of the Council will be recorded and published in accordance with the Constitution. The Leader of the Council will also be required to make a public statement at the next formal meeting of the Cabinet which will explain why they had taken the decision as a matter of urgency.

Therefore, following consultation with the Leader of the Council, it is recommended that to enable formal decisions to be made on behalf of Cabinet the following procedure should be adopted:

- *a formal decision will be published recording the matters taken into account;*
- *at the first formal meeting of Cabinet a report of the decisions taken by the Leader under urgency powers will be produced; and*
- *if it was necessary for a key decision to be made under urgency provisions this must be reported to Full Council (in accordance with the Access to Information Procedure Rules 15 & 16.2).*

Whilst it is anticipated that decisions taken during urgency provisions would be limited or uncontroversial in nature, it must be highlighted that the ability of Members to undertake the statutory overview and scrutiny function is not removed."

The Monitoring Officer considered that, in responding to COVID-19, the Council was in exceptional times which therefore satisfied the grounds of urgency.

In making the decision(s) in question the Leader of the Council exercised his delegated power as set out in the Council's Constitution in Part 3, Schedule 3 (Responsibility for Executive Functions) - Section 3 (General Principles Regarding Decision Making by the Cabinet) – Principle 4b [Part 3.28].

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Tendring Local Restrictions Support Grant Scheme (OPEN) [Published 20 November 2020]

Decision: (a) To approve a Local Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance and IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

(2) Tendring Additional Restrictions Support Grant Scheme (ARG) [Published 30 November 2020]

Decision: (a) To approve an Additional Restrictions Support Grant Scheme; and

(b) To authorise the Assistant Director (Finance and IT) to implement and administer the scheme and to amend the policy in line with any emerging Government guidance.

BACKGROUND PAPERS
Note on Decision Making Business Continuity Arrangements issued by the Monitoring Officer (Lisa Hastings) on Friday 20 March 2020.
Executive Decisions taken by the Leader of the Council published on 20 and 30 November 2020.

APPENDICES
None.