

Title of Report	URGENT DECISIONS TAKEN BY CABINET/PORTFOLIO HOLDERS IN QUARTER 1 2020/21	
Presented by	Councillor Richard Blunt Leader	
Background Papers	Council's Constitution Decision Record - Executive Arrangements - 19 March 2020 Decision Record – Executive Arrangements for Virtual Meetings – 8 April 2020 Decision Record – 15 April 2020 Decision Record – LA Fund – 29 May 2020 Decision Record – Rail Needs – 29 May 2020 Cabinet Report – 23 July 2020	Public Report: Yes
Financial Implications	Financial implications were taken into account by the Cabinet in reaching its decision.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications were taken into account by the Cabinet in reaching the decisions.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing and corporate implications	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	In accordance with the Council's Constitution, to formally report that the Cabinet or individual Portfolio Holders have taken decisions, which are considered to be urgent and, if delayed, would be likely to cause serious prejudice to the Council's interests.	
Recommendations	THAT COUNCIL NOTES THE REPORT.	

1.0 BACKGROUND

- 1.1 The Special Urgency Procedure in the Executive Procedure Rules in the Council's Constitution states that, if the date by which an executive decision must be taken and the general exception Rule 16 cannot be followed, then the decision can only be taken if Cabinet has obtained the agreement of the relevant Scrutiny Chairman that the taking of the decision cannot be reasonably deferred. If the Chairman of the relevant Scrutiny

Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Deputy Chairman will suffice.

- 1.2 On the 19 March 2020, due to the national situation regarding COVID-19, the Leader took the decision to change the arrangements for the exercise of executive powers which was made at Council on 21 May 2019 for a temporary period as follows:

Executive decisions are delegated to individual portfolio holders. These delegations will be as follows:

1. *In the first instance a decision will be made by the relevant portfolio holder*
2. *Should the portfolio holder be unavailable to act, then the decision will be made by any other member of the Cabinet.*

At the time of making the decision, the Leader stated that the arrangement would be kept under review.

- 1.3 On 4 April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Meeting and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("The Regulations") were passed pursuant to S78 of the Coronavirus Act 2020. These regulations enabled council meetings, including those of the Executive to be held remotely. Having discussed the matter with the Chief Executive the Leader decided to change the executive arrangements to reflect the fact that the regulations were in place but also to allow for individual cabinet member decision making as a contingency measure. It is the Leaders strong preference for decisions to be made by Cabinet, collectively and the other arrangements should only be used in exceptional circumstances.

The arrangements will be as follows:

1. *Executive decisions shall be made by Cabinet, sitting as a collective body where that is practicable.*
2. *Where Cabinet is not able to meet, the Executive decisions will be made by the relevant portfolio holder.*
3. *Should the portfolio holder be unavailable to act, then the decision will be made by any other member of the Cabinet.*

- 1.4 The Leader kept the arrangements under review and at the Annual Council meeting on 23 June 2020 he has advised that, as the Council moved from the Response phase of dealing with the COVID 19 pandemic into the Recovery phase, it was appropriate to remove the delegation to individual portfolio holders. He advised that as in previous years the Executive responsibilities would be delegated to the Cabinet to take decisions collectively.

- 1.5 Under the Special Urgency Procedure, the Leader is required to submit a quarterly report to the Council on the executive decisions taken under rule 17 in the preceding three months. The report will include the number of decisions taken and a summary of the matter about which each decision was made.

- 1.6 The reporting timetable for 2019/20 is as follows:-

			REPORT TO COUNCIL
Q1			8 September 2020
April	May	June	
Q2			17 November 2020
July	August	Sept	
Q3			23 February 2021
Oct	Nov	Dec	
Q4			11 May 2021
Jan	Feb	Mar	

2.0 DECISIONS MADE DURING QUARTER 1

2.1 Three urgent executive decisions were made during quarter 1 by the relevant individual Portfolio Holder. The decisions were:-

- Supporting Our Commercial Tenants Through COVID-19 – 15 April 2020
- Local Authority Discretionary Grant Fund – 29 May 2020
- Rail Needs Assessment For The Midlands and The North – 29 May 2020

2.2 In line with the Special Urgency Procedure the Chairman of the relevant Scrutiny Committee agreed that the decisions proposed were reasonable in all circumstances and that they should be treated as a matter of urgency.

2.3 A summary of each decision is detailed below.

3.0 SUPPORTING OUR COMMERCIAL TENANTS THROUGH COVID-19

3.1 The Portfolio Holder for Housing and Customer Services, approved a recommendation to permit officers to offer a 3 month rent holiday for all those commercial tenants of the Council who requested it, with the option of allowing a rent-free period of 3 months to those businesses who could demonstrate significant need for it, in response to the COVID 19 pandemic.

3.2 The decision to award rent free periods, was delegated to the Head of Finance and Section 151 Officer, in conjunction with the Head of Customer Services, Corporate Property and Assets, after reviewing a financial appraisal from the Council's finance team.

4.0 LOCAL AUTHORITY DISCRETIONARY GRANT FUND

4.1 The Portfolio Holder for Business and Regeneration approved the Council's Local Authority Discretionary Grant Fund Scheme. The scheme was developed in response to the government announcing that the Council would be allocated £992,500 for the purposes of supporting local businesses on a discretionary basis and who did not benefit from the governments Small Business Grant and Retail, Hospitality and Leisure Grant Funds.

4.2 The Local Authority Discretionary Grant Fund Scheme approved allowed for grants of up to £10,000 to be awarded to local businesses who were able to demonstrate that their income had reduced as a result of the pandemic and that they continued to incur ongoing fixed property related costs. Of the £992,500 allocated by government, 70% was earmarked to support businesses identified by the government as a national priority with the remaining 30% earmarked for other businesses.

4.3 Authority to vary the reserved funding allocations for national priority and other businesses and the level of grant award to individual businesses was delegated to the Head of Finance and Section 151 Officer in consultation with the Portfolio Holder for Business and Regeneration.

5.0 RAIL NEEDS ASSESSMENT FOR THE MIDLANDS AND THE NORTH

5.1 The Portfolio Holder for Planning and Infrastructure approved a recommendation to confirm the Council's response to the Rail Needs Assessment for the Midlands and North. An urgent decision was required in order to meet the submission date for responses to the call for evidence.

5.2 This matter related to the Governments commitment to draw up an Integrated Rail Plan for the Midlands and the north which is framed by the government’s commitment to bring forward transformational rail improvements along the HS2 route as quickly as possible. This work will be informed by an assessment from the National Infrastructure Commission (NIC) looking at the rail needs of the Midlands and the north, and the available evidence on Northern Powerhouse Rail, Midlands Rail Hub, HS2 Phase 2b and other proposed Network Rail projects. It is anticipated that a final announcement on the Integrated Rail Plan will be made by the end of 2020.

6.0 WAIVER OF CALL-IN – CONFIRMATION OF CASTLE DONINGTON (APIARY GATE & CLAPGUN STREET) ARTICLE 4(1) DIRECTION

6.1 Due to the change of date of the Cabinet meeting in July, it became apparent that the approval of the Chairman of the Council was required to exempt the item from the Council’s Scrutiny Procedure rules in relation to the call-in of the decision. The reason being that any call-in would prejudice the ability of the Council to confirm the provisional direction on or before the 5 August 2020. The Chairman considered the timetable for confirmation with officers and agreed that the matter before Cabinet was urgent for that reason.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	As detailed on each report that was considered by
Safeguarding:	Not applicable
Equalities/Diversity:	Not applicable
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable.
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Chairmen of the relevant Scrutiny Committees Chairman of the Council
Risks:	To comply with Special Urgency Rule 17 of Part 4.3 of the Council’s Constitution, the decisions made by Cabinet are to be reported to Council.
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