

# RUSHMOOR BOROUGH COUNCIL



## RECORD OF EXECUTIVE DECISION UNDER TEMPORARY DELEGATION ARRANGEMENTS

The Chief Executive, in consultation with the Leader of the Council, is authorised to make Cabinet decisions in accordance with the conditions and arrangements set out in Report No. DSP2007

### REPORT OR DECISION TITLE

Executive Decision Making – Report No. DSP2007 (copy attached)

### DECISION TAKEN

That

- (i) the Chief Executive, in consultation with the Leader of the Council, be authorised to make Cabinet decisions in accordance with the conditions and arrangements set out in Report No. DSP2007; and
- (ii) the Chief Executive, in consultation with the Leader of the Council, be authorised to agree arrangements for holding virtual meetings if practical and suitable.

### REASONS FOR THE DECISIONS (If not set out in attached Report)

As set out in the Report.

### CONTACT OFFICER (HEAD OF SERVICE)

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### PORTFOLIO

Leader of the Council / All

**DATE OF DECISION**

2nd April, 2020

**Signed** \_\_\_\_\_ SIGNATURE REDACTED FOR PUBLICATION PURPOSES \_\_\_\_\_

(Chief Executive, Paul Shackley)

**Signed** \_\_\_\_\_ SIGNATURE REDACTED FOR PUBLICATION PURPOSES \_\_\_\_\_

(Leader of the Council, Cllr David Clifford)

**EXECUTIVE DECISION MAKING****SUMMARY AND RECOMMENDATION**

This Report considers the impact on the Cabinet decision-making process in the current unprecedented situation following the spread of Covid-19. The decision has been made to cancel the Cabinet meeting on 31<sup>st</sup> March and consideration has been given to changes in the process of making decisions in the short term, and potentially long term, to enable these decisions to be made quickly and effectively when a formal meeting cannot be held.

The Cabinet is recommended to:

- (iii) Authorise the Chief Executive, in consultation with the Leader of the Council, to make Cabinet decisions in accordance with the conditions and arrangements set out in this Report; and
- (iv) Authorise the Chief Executive, in consultation with the Leader of the Council, to agree arrangements for holding virtual meetings if practical and suitable

**1. INTRODUCTION**

- 1.1 The Covid-19 outbreak is the biggest public health emergency in a generation and is impacting on the lives of every organisation and individual. Local authorities are at the forefront of the response and are having to change existing services, deliver new services and work differently. This includes the way that meetings take place. It has already been necessary to cancel all meetings until further notice and most Council buildings are being shut down except for a few key essential workers only. However, it is critical that the Council still delivers services to the local community and has the ability to make decisions when it needs to. Therefore, set out below are proposals to enable executive decisions to be taken during this challenging period.

**2. CORONAVIRUS ACT 2020 PROVISION**

- 2.1 Section 78 of the Coronavirus Act 2020 allow regulations to be made to change the way that local authority meetings are held and the manner of public participation in those meetings, for the period up to 6<sup>th</sup> May 2021. This is likely to mean that councils will be able to postpone meetings and undertake decision-making without anyone needing to be in the same place. The regulations are still awaited.
- 2.2 There are a number of technological options to do this, but at a corporate level, the Council is progressing the use of Teams within Microsoft 365. The work on this is proceeding and it is hoped that this will be made available during April, although it will be essential to prepare guidance for its application in any member meetings. There will be further discussion about this in due course.

**3. DEDICATED DECISION MAKING**

- 3.1 The Constitution has provisions that enable urgent decisions to be taken by the Chief Executive, Directors and Heads of Service, in consultation with the appropriate Member of the Cabinet. This has been used sparingly over the years and it is now proposed that a

more formal procedure should be developed for the next few months to enable the Council to function effectively.

3.2 In terms of those decisions that are covered by the new provisions, these will include:

- The provision of new and amended services as a result of Covid-19
- Changes in services which could have financial implications of up to the threshold that would make the decision “key”
- Changes in existing service provision that would have an impact on the Borough and are not currently delegated to an individual portfolio holder or office
- Those items set out in the powers and duties of the Cabinet and set out in the attached appendix
- The list of the decisions taken will be submitted to a formal meeting of the Cabinet in due course

3.3 In terms of the process, this would be as follows:

- A head of service, in conjunction with the appropriate portfolio holder, will develop proposals requiring an executive decision on which they will consult the Monitoring Officer and the Head of Finance (Section 151 Officer)
- The proposals are circulated to other Members of the Cabinet and the Council for comment (the period of comment is likely to be short, probably 1-2 days)
- The Chief Executive, in consultation with the Leader of the Council, will make a decision on the proposal, taking account of any comments made by other Members
- A short form decision sheet will be prepared and distributed to all Members of the Council and placed on the Council’s website within a table established to include all decisions taken under this process

#### **4. IMPLICATIONS**

- 4.1 As far as possible, the process will reflect the existing arrangements and will ensure clarity and transparency. Wherever possible, reports will be held over until a formal meeting can take place but given the rapidly changing situation, it is essential that a process to make decisions is in place.
- 4.2 Those items of a corporate and strategic nature which form part of the policy framework, which would normally be recommended by the Cabinet to the Council, will be held over where possible. The situation will be kept under review.

#### **5. CONCLUSION**

- 5.1 These proposals provide an effective and robust way of making decisions in the short term. If possible, the option of holding virtual meetings will be progressed, but this option may not be practical.

D E Clifford  
Leader of the Council

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## POWERS AND DUTIES OF THE CABINET

Full details of the powers and duties of the Cabinet, and the responsibilities within the Cabinet Portfolios, are set out in Part 3 of the Council's Constitution. The current portfolios are as follows:

- Customer Experience and Improvement
- Corporate Services
- Democracy, Strategy and Partnerships
- Planning and Economy
- Operational Services
- Major Projects and Property

### Cabinet Decisions

A summary of Cabinet decisions to be included in the new delegation arrangements is set out below:

- (1) Approval for all grants, rate and rent relief above current delegation thresholds (for grants this includes from the Rushmoor Community Fund and Farnborough Airport Environmental Fund)
- (2) Applications for Section 49 Remission of non-domestic rates on the grounds of hardship
- (3) Determination of applications for financial assistance from national and local organisations, including the major voluntary organisations operating in the Borough
- (4) Variations to the Capital Programme, supplementary estimates and transfers between cost centres, in accordance with thresholds in the Council's Financial Procedure Rules
- (5) Decisions on agency agreements with other local authorities for delivery of services, and amendments to agreements
- (6) Approval of updates to policies and strategies that form part of the budget and policy framework that make no changes to the major provisions within the policy
- (7) Authority for a Head of Service/Executive Director to apply for planning permission (approval to submit a planning application) or advertisement consent
- (8) Confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights
- (9) Decisions arising from the Council Business Plan, Revenue Budget and Capital Monitoring.