

Crawley Borough Council

Report to Governance Committee

6 July 2020

Decisions Taken Under Emergency Urgency Powers

Report of the Head of Legal, Democracy and HR – *LDS/161*

1. Purpose

- 1.1. On 1 April 2020 the Chief Executive, with the full support of the Leader, the Opposition Leader and the Mayor, approved under her powers to take Urgent Action the establishment of additional Emergency Urgency Powers to ensure that the Council could continue to work as efficiently as possible and take necessary and appropriate decisions in light of the significant and ongoing impact of the Coronavirus pandemic.
- 1.2. This report provides a summary of decisions taken by the Chief Executive under these additional Emergency Urgency Powers and proposes that the powers cease on 31 July 2020 given that formal meetings of the Council are now being held virtually, with the provision for their reinstatement should it be deemed necessary to do so.

2. Recommendations

That the Governance Committee:

- 2.1. Notes the decisions relating to the Governance Committee functions which have been taken by the Chief Executive under Emergency Urgency Powers (as set out in paragraph 6.1 of this report).
- 2.2. Requests that the Full Council:
 - a) notes all the decisions taken by the Chief Executive under Emergency Urgency Powers (as set out in paragraph 6.1 of this report).
 - b) agrees that the Emergency Urgency Powers cease on 31 July 2020.
 - c) delegates to the Chief Executive, with the agreement of the Leader, the Opposition Leader, and the Chair and Vice Chair of the Governance Committee, the power to decide that Emergency Urgency Powers can be reinstated should the situation change with regards to the Coronavirus pandemic and it be deemed necessary to do so.

3. Reasons for the Recommendations

- 3.1. To ensure that Council decisions are efficient and transparent.

4. Background and Introduction of Emergency Urgency Powers

Rationale for Introducing Emergency Urgency Powers

- 4.1. The Council's Constitution provides general provision for the Chief Executive to take decisions under Urgent Action. The relevant sections of the Constitution are:
- Full Council decisions: Full Council Procedure Rule 15 (Urgent Action).
 - Committee decisions: General Committee Procedure Rule 18 (Urgent Action).
 - Executive decisions: Access to Information Procedure Rule 15 (Urgency and Exception Procedures).
- 4.2. At the start of the Coronavirus pandemic it was considered necessary to provide the Chief Executive authority (in addition to the provision to take decisions under Urgent Action as set out in paragraph 4.1 above) to take decisions under Emergency Urgency Powers given the likelihood that a number of decisions would need to be taken before a meeting of the relevant decision-making body could take place.
- 4.3. On 1 April 2020 the Chief Executive, with the full support of the Leader, the Opposition Leader and the Mayor, approved under her powers to take Urgent Action, the establishment of the Emergency Urgency Powers to ensure that the Council could continue to work as efficiently as possible and take necessary and appropriate decisions in light of the significant and ongoing impact of the Coronavirus pandemic.

Agreed Emergency Urgency Powers

- 4.4. The following Emergency Urgency Powers were agreed on 1 April 2020 and published in [Councillors' Information Bulletin IB/1019](#):
- a) "That Full Council functions to be delegated to the Chief Executive, in consultation with both Group Leaders and the Mayor, where it has not been practicable to hold a Full Council meeting.
 - b) That Planning Committee functions to be delegated to the Chief Executive, in consultation with Chair of the Planning Committee (or the Deputy Chair in their Absence) and relevant Ward Councillors for an application, where it has not been practicable to hold a Planning Committee meeting.
 - c) That Licensing Committee functions to be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Licensing Committee, where it has not been practicable to hold a Licensing Committee meeting.
 - d) That Governance Committee functions be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Governance Committee where it has not been practicable to hold a Governance Committee Meeting.
 - e) That Audit Committee functions be delegated to the Chief Executive, in consultation with both the Chair and Vice Chair of the Audit Committee where it has not been practicable to hold an Audit Committee meeting.
 - f) That any Key Executive function be delegated to the Chief Executive, in consultation with the Leader of the Council, the relevant Cabinet Member and the Leader of the Opposition where it has not been practicable to convene a Cabinet meeting or take a delegated Key Decision."

5. Reporting on Emergency Urgency Powers

- 5.1. The provisions set out in the Constitution for the Chief Executive to take decisions under Urgent Action require that any decision taken under Urgent Action is reported to the next meeting of the relevant Committee. The approved additional Emergency Urgency Powers are however separate to those provisions currently set out in the Constitution. The decisions which have been taken under the Emergency Urgency Powers also relate to the functions of various Committees, the Full Council and the Cabinet.
- 5.2. It was therefore considered most appropriate that, rather than reporting the decisions taken under Emergency Urgency Powers to each individual decision-making body, this single report be considered by the Governance Committee with a recommendation to the Full Council for the following reasons:
- a) It would provide a full summary of all the decisions taken under Emergency Urgency Powers.
 - b) It was the most efficient decision-making route.
 - c) The request to cease those powers would be ultimately be considered by the Full Council.
 - d) Consideration by the Full Council would ensure that all Councillors were given the opportunity to consider the report and its recommendations.

6. Decisions Taken Under Emergency Urgency Powers

- 6.1. The following decisions have been taken under the Emergency Urgency Powers:

Decision	Responsibility	Date	Councillors' Info Bulletin
Approval of Leave of Absence for Councillor Pickett	Full Council	30.03.20	IB/1019
Town Hall Redevelopment: Revised Budget 1. Noting budget for new Town Hall contains high level of contingency 2. Approval that budget allocations can henceforth be treated as a global budget	Full Council	30.03.20	IB/1019
Charging Arrangements for Supply of Food Parcels during the Coronavirus-19 Pandemic	Cabinet	03.04.20	IB/1020
TPO Confirmation Twelve Apostles, St Nicholas Church - 12/2019	Planning Committee	06.04.20	IB/1021

Decision	Responsibility	Date	Councillors' Info Bulletin
Virtual Committee Procedure Rules	Governance Committee	15.04.20	IB/1022
Cancellation of Full Council AGM	Full Council	20.04.20	IB/1023
Approval of Leave of Absence for Councillor Ascough	Full Council	20.04.20	IB/1023
Voluntary Furloughing of Some Neighbourhood Services Staff	Cabinet	27.04.20	IB/1024
Amendments to the Virtual Committee Procedure Rules	Governance Committee	28.05.20	IB/1029
Virtual Licensing Sub-Committee (Hearings) Procedure Rules	Governance Committee	28.05.20	IB/1029
Installation and use of protective screens within Hackney Carriage and Private Hire Vehicle fleet	Licensing Committee	10.06.20	IB/1031
Revision to the Council Tax Hardship Policy	Cabinet	23.06.20	IB/1033

7. Ending Emergency Urgency Powers

- 7.1. As formal meetings of the Council are now being held virtually, it is proposed that these Emergency Urgency decision making powers cease as they are no longer required. However, should the situation with regards to the pandemic change these powers may be reinstated if it is deemed necessary to do so.

8. Background Papers

- a) [Constitution of Crawley Borough Council](#)
- b) [Councillors' Information Bulletin IB/1019](#)

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