



Joint Strategic Committee  
1 December 2020  
Agenda Item 5

## ADUR & WORTHING COUNCILS

Key Decision: No

Ward(s) Affected: N/A

### **Chief Executive's use of Urgency Powers during the Covid-19 Global Pandemic**

#### **Report by the Chief Executive**

#### **Executive Summary**

##### **1. Purpose**

- 1.1 Due to the current pandemic situation it has been necessary for the Council's to be able to respond very quickly during the emergency and this has necessitated, on some occasions, needing to make decisions as a matter of urgency.
  
- 1.2 The Chief Executive has therefore been called upon to use his powers to make an urgent decision regarding the payment of grants to businesses and this report advises Members of the Executive of the executive decision made, and asks for their endorsement to those decisions.

##### **2. Recommendations**

The Joint Strategic Committee is recommended to note the content of the report and endorse the decisions made by the Chief Executive.

### **3.0 Context**

- 3.1 In March 2020 a global pandemic was declared as a result of Covid-19. The Councils were faced with unprecedented times and were required to swiftly respond to the emergency for the health, safety and wellbeing of their communities and economies.
- 3.2 On some occasions, decisions had to be made very quickly and to delay action to fulfill the usual procedural requirements of executive decision making, would have caused significant prejudice.
- 3.3 The Council has approved a Scheme of Delegations to Officers and within it have included the authority to the Chief Executive to make decisions on behalf of the Executives and the Councils in an emergency situation such as this one.
- 3.4 The Chief Executive has made one Executive decision in recent weeks relying on these urgency provisions. On this occasion he has consulted with the Leaders of the Councils. The Scheme of Delegations provides that the use of these powers should be reported to the Council, or the Executive, as appropriate, as soon as practicable.

### **4.0 Issues for consideration**

#### **4.1 Government Funding for Business Grants**

- 4.1.1 On 13th November Adur District Council received £3.359m and Worthing Borough Council £6.580m from the Government to distribute in the form of Business Grants under the Coronavirus Act 2020. The funding was for two different schemes:
  - Local Restriction Support Grant which was for a national scheme to support rate payers that had to close as a result of the latest lockdown restrictions
  - Additional Restrictions Grant which was for the delivery of a local discretionary scheme
- 4.1.4 The Local Restriction Support Grant scheme went live on the 11th November 2020. The Councils have been successful in processing a large proportion of the business grant applications received to date, approving 75% of local businesses who have already applied for funding (figures correct as of 19th November 2020).

## **4.2 Discretionary Scheme for Business Grants**

- 4.2.1 As part of the overall award, the Councils have received the following amounts of funding for a local discretionary scheme:
  - Adur £1,286,020
  - Worthing £2,211,400
- 4.2.2 Following the provision of high level guidance by BEIS, the Councils have drafted a scheme for the administration of these additional grants in consultation with Local Authorities across West Sussex. BEIS expected that these grants would start being paid as soon as possible, especially in the light of the hardship being experienced by the local business community. This scheme launched on 23rd November.
- 4.2.3 To meet this ambitious timescale, a new scheme has been devised and was approved by the Chief Executive in November 2020 along with the associated budget virements. It was not possible in the circumstances to seek approval in a timely manner from the JSC.

## **5.0 Engagement and Communication**

In making executive decisions under urgency powers delegated to him by the Council, the Chief Executive consulted with the Leader of each Council, as well as the Council's Statutory Officers.

## **6.0 Financial Implications**

- 6.1 The grants awarded to the business community are fully funded by the resources provided by BEIS.
- 6.2 Under the Council's financial regulations on receipt of external funding over £250,000 approval should be sought from the Joint Strategic Committee to create the budget to enable the scheme to progress. The urgency powers used enabled officers to meet the requirements of the Council's constitution.

## **7.0 Legal Implications**

- 7.1 Paragraph 2.1.2 of the Officer Scheme of Delegations provides the Chief Executive with the authority to "take urgent action on behalf of the Councils".

Urgent means a "matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils".

In taking such urgent action the Chief Executive is obliged to consult with the relevant Leader, and report the urgent decision to the decision making body at their next meeting.

### **Background Papers**

- Adur District Council and Worthing Borough Council Scheme of Delegations to Officers
- Adur District Council and Worthing Borough Council Contract Standing Orders

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