

## DECISION OF THE LEADER - 13<sup>th</sup> October 2022

### Purpose of Decision

To delegate all Executive functions and decision making for a three-month period from the date of this decision to the Leader of the Council (or the Deputy Leader if the Leader is unable to act), in accordance with section 9E of the Local Government Act 2000.

### Decision

That all Executive functions and decision making be delegated to the Leader (or the Deputy Leader if the Leader is unable to act) for a period of three months from the date of this decision.

### Reason

To enable the Leader (or the Deputy Leader if the Leader is unable to act) of the Council to take Executive decisions that have been considered at either informal virtual Cabinet meetings or hybrid Cabinet meetings when the quorum requirements have not been met.

### Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 21<sup>st</sup> May 2019 for the Council Term to 2023.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council.

### Background

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 expired on 6th May 2021. Primary legislation is required to allow local authority "meetings" under the 1972 Act to take place remotely.

Where it is not possible to convene a face to face in person meeting then Cabinet will meet either informally via a virtual meeting or on occasion may convene a hybrid

meeting where some members are present in the meeting room and others are present remotely. In such circumstances it is necessary for Executive decisions to be delegated to the Leader, as Executive decisions cannot lawfully be made at virtual or hybrid Cabinet meetings when the quorum requirements have not been met. The quorum for a Cabinet meeting is five 'in person' members.

Under section 9E of the Local Government Act 2000, the Leader of the Council can take all Executive decisions, or they can be taken by Members of the Executive or by officers, to whom Executive powers have been delegated.

The Leader is able to change the scheme of Executive delegations at any time. Chapter 4 (Section 4.5) of the Constitution explains that all Executive decisions which are not delegated to officers, a single Cabinet member or a committee of the Cabinet must be agreed by the Cabinet.

Given that the Cabinet may need to meet informally or in hybrid format due to the raising rates of Covid infection in the UK and across Leicestershire it is therefore prudent that the Leader decision initially taken on 30<sup>th</sup> April 2021, which has been extended on several occasions be extended for a further 3-month period.

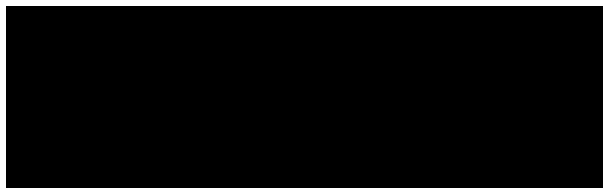
It is intended that decision making by the Leader in such situations will be after consultation with other Cabinet members at virtual informal or hybrid meetings, which will be open to observance by other Councillors and by members of the public, except that members of the public will be excluded when exempt matters are being considered.

#### Financial Implications

None arising directly from this decision. The financial implications associated with any single executive decisions will be identified in the reports and documents relevant to the delegated decision.

#### Risk Management

No specific risks have been identified in connection with this decision.



Signed:

Councillor Jonathan Morgan, Leader of the Council

Date:

13<sup>th</sup> October 2022

Officer to Contact:

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Key Decision:

No

Background Papers:

None