

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 30th March 2020

PORTFOLIO AREA: Corporate Portfolio

SUBJECT TITLE: Delegations to the Head of Communities and Leisure and Head of Property and Asset Management

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall

Title: Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned.”

SECTION C – SUMMARY

This decision is made in the circumstances of Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above.

The Community and Leisure and Property and Asset Management Services each deal with numerous and various arrangements whereby fees and charges are made to third parties. This includes (but is not limited to) booking fees, rent, service charges and season tickets.

During the period of national emergency presented by the Coronavirus, it may become necessary or desirable to depart from usual charging regimes. This may include waiving payment in its entirety, deferring payment, making refunds, varying payment terms or making other arrangements in respect of payment to the Council. This may involve formally varying the terms of contracts or arrangements with third parties.

The Heads of Communities and Leisure and Property and Asset Management are delegated authority to enter into agreements but are delegated very limited power to vary those arrangements.

In order that the Council may respond to the current quickly-changing circumstances, it is desirable that the Heads of Service, subject to specified consultation, are able to provide flexibility in the payments due to the Council where appropriate.

It may become necessary that some or all of the Council's premises may be required for use during the pandemic. For that reason, authority is delegated to the Head of Property and Asset management to allow use of the Council's premises outside usual lettings policy or usage arrangements.

SECTION D – THE DECISION

1. That authority is delegated to each of the Head of Communities and Leisure Service and the Head of Property and Asset Management Service, until further notice and in consultation with the Head of Finance, relevant Portfolio Holder, Chief Executive and Leader to waive, defer, refund, extend, vary or otherwise deal with charges (including rent) made to third parties by the Council.
2. That authority is delegated to the Head of Property and Asset Management, until further notice and in consultation with the Head of Finance, relevant Portfolio Holder, Chief Executive and Leader to let or otherwise permit the use of the Crosfield Hall in Romsey, the Rendezvous in Andover, the Upper Guildhall in Andover, meeting rooms at Beech Hurst in Andover and any other Council-owned facilities other than in accordance with the Council's booking policy or usual usage provisions.

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

Circumstances are changing daily as a result of the impact of the Coronavirus pandemic both in practical terms and as Government gives guidance or legislates for measures to mitigate the effects of Coronavirus. The effects of this are broad and varied both on a macro and micro scale with individuals, organisations and communities across the Borough impacted.

The Council wishes to be in a position to make variations to existing arrangements as circumstances demand where deemed necessary or desirable. This decision will enable arrangements and decisions to be made without delay.

There is no convenient meeting of the Council at which this decision (and indeed any decisions to vary payments) could be considered. Meetings are not taking place currently due to social distancing requirements and legislation is awaited prescribing how Council meetings are to be dealt with during this time of emergency.

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options considered are either to make the decision to delegate authority to the Head of Communities and Leisure and Head of Property and Asset Management or not.

If authority was *not* delegated as set out above, the Council would have very limited ability to make variations or concessions to existing payment arrangements. As described above, no Council meetings are currently taking place due to social distancing requirements imposed by Government and legislation has yet to be introduced defining how Council meetings are to be dealt with during the period of Coronavirus emergency.

If the decision was not made, the Council would be unable to respond in an agile and timely way to circumstances as they present themselves.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The Scheme of Delegation to Officers contained in the Council's constitution:

<https://www.testvalley.gov.uk/aboutyourcouncil/localdemocracy/constitution>

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive: _____ Dated: _____

The Leader of the Council  _____ Dated: 30.3.20