

**EXECUTIVE PROCEDURE RULES - DRAFT APPENDIX ON DESIGNATED EMERGENCIES**

**1. PURPOSE OF APPENDIX**

- 1.1 To provide procedures which safeguard decision-making arrangements in emergency situations affecting the District which fall beyond the scope of the Council's Emergency Response Plan.
- 1.2 To provide procedures for decision-making in respect of any district or local emergency declared under the Council's Emergency Response Plan where members of the Council need to be involved.

**2. DECLARING AN EMERGENCY**

- 2.1 The procedures and delegated authorities contained in this Appendix shall apply in the following circumstances:
  - (a) where the Council or the District is affected by an emergency situation outside the scope of the District Emergency Response Plan to such an extent that the normal decision-making processes of the Council are comprised; or
  - (b) any district-wide or local emergency situation which is declared in accordance with the Council's Emergency Response Plan.

**3. EMERGENCIES OUTSIDE THE SCOPE OF THE DISTRICT EMERGENCY RESPONSE PLAN**

**Role of the Leader of the Council**

- 3.1 The Leader of the Council, after consulting the Chairman of the Council, the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer and taking account of any advice from central government, shall be authorised to determine that it is in the best interests of the Council and/or the district to declare an emergency and implement the procedures set out in Section 3.6 below.
- 3.2 For the purposes of such a declaration the Leader must be satisfied that the decision-making processes of the Council are unable to function as intended as a result of the number of members able to act being so depleted by reason of medical or other emergency that normal arrangements cannot meet the Council's requirements.

**Declaring An Emergency**

- 3.3 In making such a declaration, the Leader of the Council is required to:
  - (a) record the terms of the declaration of the emergency in writing;
  - (b) declare the period over which the emergency situation will apply which, in the case of national or international emergencies, will be the period declared by the Government or for period up to one month, if there is no such government guidance;

- (c) communicate this declaration to the public, members of the Council and other relevant external agencies and partners except where an emergency has been declared by the Government; and
- (d) comply in all respects with relevant Government guidance and the advice of the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

### **Extending the Emergency Period**

- 3.4 Where an emergency has been declared by the Government and subsequently extended, the Leader shall be able to exercise the authority to act as set out in 3 below.
- 3.5 Where the emergency has been called on a District basis, the Leader may also consider before the date of termination whether the period for emergency measures should be extended for a further period of one month. In considering this possibility, the Leader shall take advice in accordance with paragraph 3.1 above and consult all available members of the Council on the proposal. Such an extension may be the subject of further extensions. However, it shall be competent for the Chairman of the Council in accordance with Council Procedure Rule 3 to convene a meeting of the Council for the purpose of considering whether to terminate the emergency if they consider this necessary.

### **Leader's Authority to Act**

- 3.6 Once an emergency situation has been declared in accordance with these procedures, the Leader of the Council is authorised as follows:
  - (a) To suspend any part of the Constitution for the duration of the designated period of emergency accept insofar as it would conflict with the Council's legal duties and obligations;
  - (b) To take such steps as are necessary to ensure that the Cabinet can continue to make decisions on the emergency which bear directly on the wellbeing of the district (or any part thereof) or its inhabitants, including:
    - (i) appointment of substitute Cabinet members to replace those members of the Cabinet who are incapacitated by illness or otherwise unavailable to participate in decision-making, such substitutes to include, where appropriate, Assistant Portfolio Holders;
    - (ii) if necessary, to appoint an Emergency Committee of the Cabinet to co-ordinate decision-making during the emergency;
    - (iii) if necessary, to determine that decision-making be conducted either by telephone, correspondence or by electronic means whatever is appropriate in the light of available advice;
  - (c) To incur expenditure under Section 138 of the Local Government Act 1972 outside the budget framework agreed by the Council which is considered essential to meet any immediate needs created by the emergency and to consult with the Chairman of the Council, the relevant Portfolio Holder, other Group Leaders and the Head of Paid Service on such commitments;

(d) To suspend meetings of the Council, Committees, Sub-Committees, Panels or other body where those decisions are deemed not to be urgent on the grounds that the wellbeing of the district or its inhabitants will not be adversely affected by delay;

(e) To determine the priority to be given to such urgent decisions referred to under (d) above once the emergency has terminated;

(f) To consider appropriate measures to ensure that the Council, the public and partner organisations are kept informed of the decisions being made.

3.7 In the event that both the Leader of the Council and the Deputy Leader are incapacitated by illness or other reasons and are unable to exercise the delegated authorities set out in (b) above, the Chief Executive shall, in consultation with the Chairman of the Council, secure a nomination for Acting Leader from among those Cabinet Members who are still able to act.

#### **4. EMERGENCY SITUATIONS ARISING FROM THE EMERGENCY RESPONSE PLAN**

##### **Role of the Leader of the Council**

4.1 The Leader of the Council, when advised by the appropriate officer of an emergency situation affecting the district or part of the district shall consider the need for the Cabinet to make decisions on the emergency and may convene an Emergency Cabinet Committee comprising at least three Cabinet members.

4.2 In considering whether an Emergency Cabinet Committee is required, the Leader will take into account the advice of the Head of Paid Service and the District Emergency Planning Officer.

##### **Terms of Reference for Emergency Cabinet Committee**

4.3 The terms of reference for any Cabinet shall include:

(a) To receive reports on the emergency situation and progress in dealing the emergency through the Emergency Response Plan.

(b) To receive recommendations from the appropriate officers in support of (a) above including the allocation of resources under Section 138 of the Local Government Act 1972.

(c) To report to the Cabinet and the Council on the emergency and the action being taken to remedy the situation together with any other terms of reference specific to the emergency concerned.

4.4 All statutory procedures regarding recording of decisions by the Sub-Committee shall be followed and the Committee will be disbanded when the emergency is over.