

## **EAST HERTS COUNCIL**

### **OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS**

**2014**

#### **OFFICER DECISION WRITTEN RECORD**

Reference:	OD/2046
Subject Matter:	<p>On 28 September 2020, Government introduced legislation requiring certain people to self-isolate due to the current COVID-19 crisis. A package of legislative measures were introduced both to ensure that those who are required to self-isolate do so, and that those on a low incomes receive a payment of £500.00 to assist with their finances and encourage compliance with the legislation.</p> <p>In accordance with the Government's response to COVID-19 Track and Trace support, the local authority is required to determine a scheme to allocate the funding made available under the discretionary grant fund.</p>
Date of Decision:	16 <sup>th</sup> October 2020
Exempt/Confidential information (Yes/No):	No
If Exempt/Confidential – reason	N/A

Reference:	OD/2046
why:	
Name of Officer taking decision under delegated authority:	Helen Standen, Deputy Chief Executive
Source of delegated authority (constitution/express delegation/etc.):	<p>Part 3c, paragraph 1 of the Constitution states:          "The Council has adopted a Corporate Plan to put environmental sustainability at the heart of everything it does; enable its communities and invest in its places; encourage economic growth; and maximise the benefits to the community and Council services of digital connectivity and technology. To enable that vision, managerial and operational decisions are taken, within a framework of democratic accountability at the most appropriate level. <b><i>The scheme is to be interpreted widely</i></b> to give effect to this overall purpose by empowering staff to carry out their functions and deliver the council's services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the council's Leadership team. [Emphasis added]</p> <p>Para 2.2 states: Where broad</p>

Reference:	OD/2046
	<p>functional descriptions are used, the <b><i>delegations in this scheme should be taken to include powers and duties within all present and future legislation,</i></b> and all powers incidental to that legislation [Emphasis added]</p> <p>Para 8.1 states:  <b>Chief Executive, Deputy Chief Executive, all Heads of Service and their duly authorised officers...</b></p> <p>This scheme delegates to post holders named or described in the Areas of Responsibility section all the powers and duties relevant to those areas of responsibility that rest with the Council or Executive or which have been delegated or granted to the Council, subject to the limitations, restrictions and reservations set out above, within the delegations below and the detailed scheme of delegation. <b><i>This includes all powers and duties under all legislation present and future within those descriptions</i></b> and all powers and duties incidental to that legislation [Emphasis added]</p>
Exercise of delegated authority approved by: (if different from Officer taking decision)	N/A

Reference:	OD/2046
Decision:	To approve the scheme for the Local Authority Track and Trace Discretionary Grant Fund under the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
Reason(s) for Decision:	<p>Whilst the scheme cannot be appealed against as it is discretionary, a judicial review can be requested if the process agreed is not applied correctly.</p> <p>Various alternatives could be explored, but the time delay incurred is considered detrimental to the objective of giving financial support to those in need. Consequently very little variation from the Governments core scheme is proposed.</p>

Reference:	OD/(to be added by Democratic Services)
Details of alternative options, if any considered and rejected:	Not to approve the scheme – would be UNLAWFUL and in contravention of Central Government instruction
Name of Officer who has confirmed with all Members involved in taking this decision whether they have pecuniary or non-pecuniary interest:	Not applicable as the Constitution affords the Head of Service authority to make this decision without involving members directly.

Reference:	OD/(to be added by Democratic Services)
Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:	N/A
Signature of Decision Maker:	Helen Standen
Signature of any Executive Member consulted by Decision Maker:	Geoff Williamson

**SIGNATURES ARE REDACTED**