

PART I

EMERGENCY DELEGATED NON EXECUTIVE DECISION

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

South Lakeland District Council Emergency Non-Executive Decision

Management agreement for Braithwaite Fold Caravan Park

Date: 7 July 2020	Reference:
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Reason for emergency

The Council has no planned Council or other Non-Executive meetings due to Government advice and COVID 19 it is therefore considered necessary in these circumstances and following consultation with the Leader of the Council or the Chairman of the committee concerned.

The decision is required to be taken to secure the operation and income from Braithwaite Fold Caravan park for the 2020/21 Financial Year following the Governments easing of lockdown for the Tourist and Leisure Industry.

TYPE OF DECISION

Council Decision	
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Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. Committee Services will be keeping a record of these decisions.

Portfolio: Cllr Andrew Jarvis, Finance and Resources Portfolio Holder

Report from: Chief Executive

Report Author: Sion Thomas – Operational Lead for Delivery and Commercial Services

Wards: Bowness and Levens Ward

1.0 Expected Outcome

A budget for the decision taken to enter into a 25 year lease of Braithwaite Fold Caravan site was approved by Council in February 2020. Due to Covid 19 there is a requirement to agree to meet the shortfall in expected income from the General reserve. There are also ongoing discussions relating to the conclusion of the legal agreements relating to the procurement process undertaken and requirements for

short term management arrangements. All matters are referenced in the Emergency Delegated Executive Decision attached to this report.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive approves

Appropriate budget is established outside of the approved budget and policy framework to meet the shortfall in income from the General Reserve.

Review Date:	As identified within the Part II Appendix.
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The background and proposals available in Part I are set out within the Part I Emergency Delegated Executive Decision attached to this report.

The background and proposals are set out in detail in the Part II Appendix to the report.

Note – In accordance with Section 100B(2) of the Local Government Act 1972, copies of the appendix are excluded from inspection by members of the public as it contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 5)*

Approved by:	Signature and Date
Chief Executive	03/07/2020
In consultation with (Delete as appropriate)	
The Leader of the Council	03/07/2020
The Chairman of the Council	03/07/2020
The following interests were declared – disclosable pecuniary interest or other or none	None

PART I

EMERGENCY DELEGATED EXECUTIVE DECISION

In accordance with the Leaders decision and noted by Cabinet on 25/03/2020 to delegate to the Chief Executive any executive decision in this COVID 19 Global pandemic emergency or that is urgent or that would be necessary or expedient, or which would otherwise protect the Council's interests, including key decisions.

South Lakeland District Council

Emergency Delegated Executive Decision

Management agreement for Braithwaite Fold Caravan Park.

Date: 7 July 2020	Reference:
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Reason for emergency

Chief Executive received emergency delegated executive decision making powers on the 25th March 2020. It is considered that this decision is necessary or arises from the COVID 19 Global pandemic emergency. The matter is urgent, necessary and expedient and is needed to protect the Council's interests.

The decision is required to be taken to secure the operation and income from Braithwaite Fold Caravan park for the 2020/21 Financial Year following the Governments easing of lockdown for the Tourist and Leisure Industry.

This is a Key Decision Y/N **(A key decision means an executive decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council and/or is likely to result in the Authority incurring expenditure or making savings above £100,000)**

Portfolio:	Cllr Andrew Jarvis, Finance and Resources Portfolio Holder
Decision Maker:	Chief Executive
Report Author:	Sion Thomas – Operational Lead for Delivery and Commercial Services
Wards:	Bowness and Levens Ward
Forward Plan:	Exemptions obtained.

1.0 Expected Outcome and Reasons for Proposed Decision

A budget for the decision taken to enter into a 25 year lease of Braithwaite Fold Caravan site was approved by Council in February 2020. Due to Covid 19 there is a requirement to agree to meet the shortfall in expected income from the General reserve. There are also ongoing discussions relating to the conclusion of the legal agreements relating to the procurement process undertaken and requirements for short term management arrangements.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive:-

- (1) Approves the appointment of the contractor identified within the Part II Appendix on the terms also detailed within the Appendix; and
- (2) Delegates authority to the Director Customer and Commercial Services in consultation with the Portfolio Holder, Legal, Governance and Democracy Lead Specialist and Finance Lead Specialist to agree the terms of the management agreement.

Review Date:	As identified within the Part II Appendix.
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3.0 Background and Proposals

The background and proposals are set out within the Part II Appendix to the report.

Note – In accordance with Section 100B(2) of the Local Government Act 1972, copies of the appendix are excluded from inspection by members of the public as it contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- *Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 5)*

4.0 Consultation

As set out within the Part II Appendix to the report.

5.0 Alternative Options

As set out within the Part II Appendix to the report.

6.0 Links to Council Priorities

Helping to deliver economic growth.

7.0 Implications

Financial, Resources and Procurement

As set out within the Part II Appendix to the report.

Human Resources

There are no Human Resource implications with this report and action.

Legal

As set out within the Part II Appendix to the report.

Health, Social, Economic and Environmental

7.8 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.9 If you have not completed an Impact Assessment, please explain your reasons: Emergency requirement to ensure the site is open for the Financial Year 2020/21.

Equality and Diversity

As set out within the Part II Appendix to the report.

Risk

As set out within the Part II Appendix to the report.

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Part II Appendix referred to at paragraph 3 above.

Background Documents Available

None.

Approved by:	Signature and Date (or email confirmation)
Chief Executive	03/07/2020
Or such person as delegated by the Chief Executive in writing	
In consultation with	
The Leader of the Council	03/07/2020
And Relevant Portfolio Holder	03/07/2020
CMT Directors	03/07/2020
The following interests were declared – disclosable pecuniary interest or other or none	None

<p><i>Due to COVID 19 and Government announcements , it has not been possible for this Key decision to be included in a Forward Plan at least 28 clear days before the decision was to be made. It is not possible to comply with the General Exemption procedure.</i></p> <p><i>In accordance with Part 4 of the Constitution - Rules of Procedure – Access to Information Rules – Paragraph 16, the Chairman of the Overview and Scrutiny Committee (Cllr Hughes) has agreed that the taking of the decision is urgent and could not reasonably be deferred because for the reasons outlined in this report and the timescales required to protect the public/business interest and to comply with Government advice.</i></p> <p><i>This being “special urgency”</i></p>	Yes
<p><i>In accordance with Part 4 of the Constitution – Rules of Procedure – Overview and Scrutiny Procedure Rules - paragraph 16(j), the Chairman of the Council (Cllr Coleman) agrees that this decision is reasonable in all the circumstances and that it is treated as urgent for the reasons outlined above and,</i></p>	Yes

therefore, the decision is **exempt from call-in.**