

**Standing Order 19.2 Decision
Report by Chief Executive**

Report for Noting

1 Recommendations

Council is invited to note the terms of this report.

2 Purpose of Report/Executive Summary

The purpose of this report is to advise the Council of the decision taken by the Chief Executive in terms of Standing Order 19.2.

Date: 16 June 2022

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3 Background

3.1 Standing Order 19.2 states that:

“The Chief Executive, after discussion with the Leader of the Council, whom failing the Depute Leader of the Council, will have authority to take decisions where urgent or immediate action is required. Where such decision(s) is required, the Chief Executive will provide a report to the next available full Council meeting to inform the Council of such decision(s).”

3.2 At its meeting on 29 March 2022, the Council approved the following motion:

Making a contribution of £20,000 to the Disaster Emergencies Committee (DEC) to fund its member charities’ UK-based activities in recognition of the considerable strain the crisis in Ukraine has placed on the resources of these charities. This being funded by agreeing a supplementary estimate in 2021/22 met from the general reserve. Noting that the ability to do this is provided for by section 83(3) of the Local Government (Scotland) Act 1973 which provides Council to incur expenditure on contributions to any charitable body in furtherance of its work in the United Kingdom. Noting that the Council is not authorised to provide direct relief to communities abroad”.

When Officers attempted to make the donation to DEC and, at that time, sought confirmation on the caveat that it could be “to fund its member charities’ UK-based activities in recognition of the considerable strain the crisis in Ukraine has placed on the resources of these charities” DEC unfortunately advised that they do not fund UK-based activity

Having taken advice from the Monitoring Officer, it was determined that a donation to DEC would now be viewed as falling out with the provisions of section 83(3) of the Local Government (Scotland) Act 1973 and so risked being considered as ultra vires.

In terms of governance, advice received from DEC constitutes information not previously available and so avoids any issue with the six month rule in terms of Standing Order 7.14. There not being another Council meeting until 23 May 2022 and the need to support charities dealing with the Ukrainian crisis being seen as a matter of urgency, the Chief Executive therefore used Standing Order 19.2 powers to re-allocate the donation to the British Red Cross and the International Rescue Committee (both of whose activities to support Ukrainian refugees are based in the UK) and thereby give effect to the members’ wishes, following discussion with the Leader of the Council and having advised the other Group Leaders and proposer and seconder of the motion as a courtesy.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

Failure to report these decision would lead to a lack of governance.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

4.4 Additional Report Implications

See Appendix A

Appendix A – Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable