



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Cabinet

Tuesday, 21 July 2026

Report of Graham Kitchen, Monitoring
Officer

Use of Emergency Powers

Report Author

Graham Kitchen, Director of Law and Governance (Monitoring Officer)

 Graham.Kitchen@southkesteven.gov.uk

Purpose of Report

To report to Cabinet the use of Emergency Powers by the Head of Paid Service detailing the action(s) taken and the reason(s) behind it, as required by Part 3(c) (Ref.2) of the Council's Constitution.

Recommendations

Cabinet is asked to:

1. **Note the use of Emergency Powers by the Head of Paid Service.**

Decision Information

Key Decision

No (for noting)

Does the report contain any exempt or confidential information not for publication?

Yes (Appendix A) - in accordance with Section 100A of the Local Government Act 1972, under Schedule 12A, Part 1, Paragraph 3, on the basis that, having regard to all the circumstances, the public interest in maintaining an exemption outweighs the public interest in disclosing the information

What are the relevant corporate priorities?

N/A

Which wards are impacted?

N/A

2. Background

- 2.1 Part 3(c) of the Council's Constitution sets out powers delegated to the statutory (and other) Officers of the Council. Ref.2 of the Statutory Officer powers lists the following among those delegations given to the Head of Paid Service:

Authorisation to take any and all actions considered appropriate in an emergency to protect and/or further the best interests of the Council, the District of South Kesteven and/or the public, subject to:

- a) Consultation with the Leader of the Council or in his or her absence the Deputy Leader and any appropriate Cabinet Member*
- b) A report of the action taken and the reasons behind it being presented to the next meeting of the Cabinet, Council or relevant Committee*
- c) Informing the Opposition Group Leader of the action that has been taken*

This delegation includes exercising the Council's powers under Section 138 of the Local Government Act 1972 to incur expenditure and to suspend aspects of business as usual to enable the Council to comply with its duties under the Civil Contingencies Act.

- 2.2 The Head of Paid Service had cause to utilise the above delegation on 22 June 2026. The Leader was briefed on the matter by Officers on 20 June 2026 and formally consulted with by the Head of Paid Service on the morning of 22 June 2026, prior to the power being exercised. The Opposition Group Leader was also informed of the action on the 22 June 2026 once it had been taken.
- 2.3 The action taken was a decision to exercise executive powers and thus this report is being brought to Cabinet.

3. Exercise of Powers

- 3.1 On 22 June 2026 the Head of Paid Service used Emergency Powers to authorise a payment and execute a document pursuant to an existing contractual arrangement. This decision was required due to Officers otherwise arguably lacking the proper authority to take such actions under the existing governance arrangements around the underlying contract.
- 3.2 This action concerns an ongoing contractual/commercial arrangement; further details of that arrangement and the circumstances surrounding use of Emergency Powers are set out at Appendix A.

4. Reasons for the Recommendations

- 4.1 Cabinet is recommended to note this report as is required by the relevant provision in the constitution.

5. Appendices

5.1 Appendix A – Record of Use of Emergency Powers (EXEMPT)

Appendix A – Record of Use of Emergency Powers