

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 15 April 2019</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	<b>Use of the Managing Director's Emergency Powers</b>
Purpose of Report:	To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 5th March, 2018
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	None required as the Constitution requires any Emergency Powers that are approved are reported to Cabinet for information
Policy Framework:	All actions fall within Paragraph 1 of the Managing Director's Delegated Powers set out on page 270 of the Council's Constitution
Executive Summary:	<p>To advise Cabinet of the exercising of Emergency Powers by the Managing Director since the last report of 5th March, 2018.</p> <p>The Council's Constitution at page 270 (delegated powers) states:</p> <p>"1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:</p> <p>(b) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate."</p>

## **Recommendation**

1. That the use of the Managing Director's Emergency Powers be noted.

## **Reason for Recommendation**

1. To inform Cabinet.

## **1. Background**

- 1.1 The Emergency Powers Procedure was approved by Minute No. 95, 2012/13

## **2. Key Issues for Consideration**

To note the following use of the Managing Directors Emergency Powers.

### **(a) Junction 34 / M4 WelTAG Stage 2 Report**

Acceptance of Welsh Government Grant £118,000 to undertake further studies on the feasibility of a road linking Junction 34 of the M4 with the A48 ( amended WelTAG Stage 2 report ) and to appoint consultants to undertake and complete the work by the end of March 2019 and to increase the capital programme to reflect the additional funding. .

(Environment and Regeneration Scrutiny Committee)

### **(b) Community Centre Works**

The current 2018/19 capital budget for community centre works was 40k, due to the cost of works being under the minimum level of 10k the budget was classified more appropriately as revenue not capital. With the request to reduce the Capital Programme by £25,000 and fund the revenue expenditure from the Neighbourhood Services and Transport Reserve.

(Healthy Living and Social Care Scrutiny Committee)

### **(c) Inclusion of ICF Funded Projects (Discretionary Capital Fund)**

To include three new schemes (ICFC1835 Transition Smart House - £30,000, ICFC1827 Trysor O Le – Learning Disability Day Services - £12,000 and ICFC1828 Social Enterprise Pilot - £16,000) totalling £58,000 into the 2018/19 Capital Programme.

(Healthy Living and Social Care Scrutiny Committee)

### **(d) Photovoltaic System at Romilly School Nursery Unit**

To increase the Capital Programme by £22,850 to enable an order to be placed immediately in order for the works, installation of a photovoltaic (PV ) system to generate electricity at the nursery unit through the Energy Commission Reinvestment fund to be completed by the end of the current financial year.

(Corporate Performance and Resources Scrutiny Committee)

**(e) Seasonal Grass Cutting Services Contract**

To award a contract for grass cutting to Countrywide Grounds Maintenance for a four year period by 4<sup>th</sup> March 2019 in order to make efficiency savings. (Environment and Regeneration Scrutiny Committee)

**(e) Interim Waste Transfer Station located at Cowbridge Compost**

To authorise spend of up to £145,000 on the interim Waste Transfer Station located at Cowbridge Compost from the allocated Welsh Government Collaborative Change Programme grant to support the recycling and waste service changes.

(Environment and Regeneration Scrutiny Committee)

**(f) Inclusion of ICF Funded Project (Discretionary Capital Fund)**

To include a new scheme, Carers Hub Support, totalling £50,000 into the 2018/19 Capital Programme.

(Healthy Living and Social Care Scrutiny Committee)

**(g) Additional Funding for ICT in Schools**

To include a new scheme, Additional Funding for ICT in Schools, amounting to £76,780 into the 2018/19 Capital Programme. An 18/19 grant awarded by WG through the WLGA had been made available to support schools delivering the digital requirements of the new curriculum.

(Learning and Culture Scrutiny Committee)

**3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The use of the Managing Director's Emergency Powers is required on occasions when the urgency means that there is no time for the issue to be considered by the relevant Committee.
- 3.2** The purpose of presenting the report for information is to ensure that all Emergency Powers that have been approved are notified to Cabinet and / or Council as appropriate.
- 3.3** The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 3.4** The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and why these objectives have been chosen,

how decisions are taken in line with these objectives and what difference these objectives have made.

- 3.5** The importance of presenting the report to Cabinet is to ensure that transparency has taken place and to inform the Cabinet of the Emergency Powers that have been undertaken for the relevant reasons contained within the reports.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

### **Employment**

- 4.2** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

### **Legal (Including Equalities)**

- 4.3** The Council's Constitution states:

1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

(b) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate

## **5. Background Papers**

Relevant Emergency Powers proformas.