

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 30 November 2020</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Use of the Managing Director's Emergency Powers
Purpose of Report:	To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 19 October, 2020.
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 that any Emergency Powers approved be reported to Cabinet for information
Policy Framework:	This is a matter for Executive decision by Cabinet. All actions fall within Paragraph 1 of the Managing Director's Delegated Powers set out on page 271 of the Council's Constitution.
<p><b>Executive Summary:</b></p> <p>To advise Cabinet of the exercising of Emergency Powers by the Managing Director since the last report of 19 October, 2020.</p> <p>The Council's Constitution at page 271 (delegated powers) states:</p> <p><b>"MANAGING DIRECTOR OR, IN HIS ABSENCE, THE NOMINATED DEPUTY</b></p> <p><b>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></p> <p><b>(a) requires immediate action; and</b></p> <p><b>(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."</b></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**

2.1 To note the following use of the Managing Director's Emergency Powers since the last report of 19 October, 2020.

### **(a) Residential Care Closure to Non-Essential Visitors**

The use of Emergency Powers was sought to close Council-run residential care to all non-essential visitors given the firebreak that had been put in place nationally, across Wales.

(Scrutiny – Healthy Living and Social Care)

### **(b) Fast Track Recruitment**

The use of Emergency Powers was sought in order to redeploy staff from other areas of the Council.

(Scrutiny – Healthy Living and Social Care)

### **(c) Emergency B&B Accommodation for Homelessness**

The use of Emergency Powers were sought:-

- To approve an additional 10 rooms be block booked in the Celtic International Hotel, Cardiff Airport, thus increasing the number from 25 to 35. The additional 10 rooms to be charged at the same rate of £35.00 per room per night at a cost of £350 in 4 weekly blocks costing a total of £9,800.
- To give delegated authority to the Head of Housing and Building Services to further extend these three hotel contracts, if required, at the end of each of the 4-week periods.

(Scrutiny – Homes and Safe Communities)

### **(d) Holiday Inn Express (HIE) Security**

The use of Emergency Powers were sought so:-

1. That the existing security contract (23:00 – 07:00 7 days a week) was brought to an end, and a new contract for onsite security at the Holiday Inn Hotel, Cardiff Airport (23:00 – 07:00 7 days a week) to include emergency assistance for the Celtic International, Cardiff Airport.
2. That delegated authority be granted to the Head of Housing & Building Services to extend the onsite security provision at the Holiday Inn Hotel, Cardiff Airport to 24 hours / 7 days a week if required.

(Scrutiny – Homes and Safe Communities)

(e) Holm View Leisure Centre

The use of Emergency Powers were sought to:-

1. Authorise urgent formal negotiations with Legacy Leisure for the surrender of their lease back to the Council by mid-November (or a date to be agreed which correlates with the date that the UHB lease commences). This would ensure that the Council would not accept a surrender of the Legacy Lease and become responsible for the vacant building before it needed to, should the UHB lease not progress for any reason;
2. Authorise Heads of Terms negotiations with C&V UHB and to enable a short-term lease to be entered into with the UHB on terms and conditions to be agreed.

(Scrutiny – Healthy Living and Social Care)

(f) Ty Dewi Sant Electrical Upgrade

The use of Emergency Powers was sought to increase this scheme budget by £10k in the 2020/21 Capital Programme, to be funded from the Social Services Building reserve, so that urgent internal and external works can be progressed simultaneously

(Scrutiny – Healthy Living and Social Care)

(g) Firebreak to Commence at 18:00 hours on 23 October 2020 – Decisions Relating to Key Services

A range of affected Council services were reviewed by the Council's Strategic Leadership Team (SLT) (Gold Command) and Business Cabinet and decisions taken under the Managing Director's Emergency Powers as a consequence of the firebreak put in place by Welsh Government (WG) and announced on 19 October, 2020. Many of the decisions had been straightforward in that they simply followed the requests and subsequent regulations set out by WG (such as the closure of libraries, HWRC's, certain school settings). Others had required an element of discretion, such as the Council's approach to Public toilets (to remain open), Parks and playgrounds (to remain open) and car parks (to remain open).

The position would be reviewed throughout the firebreak period through the SLT Gold command structure and in liaison with Cabinet. Any changes would be the subject to further Emergency powers as necessary and appropriate.

The use of Emergency Powers was sought to follow the requests and subsequent regulations set out by WG.

(Scrutiny – Corporate Performance and Resources)

(h) Jenner Park Primary Variety Club Sunshine Coach

Jenner Park Primary school had purchased a replacement Variety Club Sunshine Coach as per the initial agreement with Variety when the first Sunshine Coach was organised. The vehicle was required for use by the Complex Needs Resource Base – for transport to and from school supporting the Vale Transport Section. The vehicle was being purchased by the school in the first instance, however the school are being reimbursed from the Variety Sunshine Coach Partnership.

The use of Emergency Powers was sought to include this new scheme with a budget of £28,438 into the 2020/21 Capital Programme, to be funded by a contribution from the Variety Sunshine Coach Sponsorship.

(Scrutiny – Learning and Culture)

(i) COVID-19 Non-Domestic Rates Linked Grants for Businesses

The use of Emergency Powers was sought to obtain grant funding for COVID-19 Non-Domestic Rates linked grants for businesses in Wales.

(Scrutiny – Corporate Performance and Resources)

(j) Street Lighting Energy Reduction Strategy - Award of Contract for Installation of LED Lanterns and Columns

The installation of the LED lantern and column Contract will be used to install circa 3,646 LED lanterns and 618 lighting columns to convert all main road lighting to LED in accordance with the Council's ongoing 'Street Lighting Energy Reduction Strategy'. Any works associated with the installation of LED lanterns and columns under the above contract will be carefully managed and contained within existing capital budget allocation for the Salix loan project for financial years 2020/21.

The use of Emergency Powers were sought to:-

- To approve the contract award for the installation of the LED lantern and column Contract to Centregreat Limited (submission No 96947) as tendered on 25 August, 2020; and
- To authorise the Monitoring Officer / Head of Legal and Democratic Services to enter into contract with Centregreat Limited for the installation of the LED lanterns and columns based on the submitted tender (submission No 96947).

(Scrutiny – Environment and Regeneration)

(k) Mobile Testing Unit (Barry)

The use of Emergency Powers was sought to enable officers to facilitate the use of the Arts Central Gallery by Cardiff & Vale UHB, for the purposes of providing a temporary/short term Mobile Testing Unit from the 5th November 2020.

(Scrutiny - Corporate Performance & Resources)

(l) Waste Transfer Station at Penllyn

The use of Emergency Powers was sought to increase the annual contract spend by £6k for the hire of an interim Waste Transfer Station located at Penllyn Estate.

(Scrutiny – Environment and Regeneration)

(m) Provision of an Indemnity for Costs to Bring a Judicial Review Against the Local Planning Authority in Respect of a Planning Permission Granted in Error

The use of Emergency Powers was sought to provide an indemnity capped at £10,000 in relation to the legal costs incurred in issuing a Judicial Review claim in respect of Planning Application 2020/00222/FUL and any costs order associated with the same, to be reviewed, as necessary, as the case progresses.

(Scrutiny – Environment and Regeneration)

### **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:

(a) Requires immediate action; and

(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.