

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 21 December 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 30 November, 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>Executive Summary:</p> <p>To advise Cabinet of the exercising of Emergency Powers by the Managing Director since the last report of 30 November, 2020.</p> <p>The Council's Constitution at page 271 (delegated powers) states:</p> <p>"MANAGING DIRECTOR OR, IN HIS ABSENCE, THE NOMINATED DEPUTY</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>(a) requires immediate action; and</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**

2.1 To note the following use of the Managing Director's Emergency Powers since the last report of 30 November, 2020.

(a) Street Café Licence Extension (Original EP No. 124)

EP COVID-19 No. 124 agreed a new (temporary) streamlined process for the application and granting of Street Café Licences in the public highway and on Council owned land, due to the impacts on bars and restaurants of COVID-19.

The use of Emergency Powers was sought to further extend the duration for Street Cafe Licenses until 31<sup>st</sup> January, 2021.

(Scrutiny – Environment & Regeneration)

(b) Building Stronger Communities -Llandough Multi Use Games Area (MUGA)

A MUGA has recently been installed at King George V Playing Fields located adjacent to the current children's play area. The possibility of fencing off of the MUGA and playground was considered as there is a known issue in this area concerning dog fouling however the MUGA budget would not cover this cost. It was considered that by fencing off the area it will help enhance the enjoyment of the two facilities and protect children from dog faeces left by irresponsible dog owners which is a risk to their health. Two options / designs were drawn up and discussed with option 1 being favoured by the Community Council and the Community Council confirmed they would contribute 50% towards the cost of the fencing scheme. The total cost of this works is £8,935. The playgrounds refurbishment scheme is £2,960 underspent.

The use of Emergency Powers was sought to vire this underspend to the Building Stronger Communities Llandough MUGA scheme. It was also requested to increase this scheme in the 2020/21 Capital Programme by £5,975 to be funded by a contribution from Llandough Community Council of £4,467.50 and a contribution of £1,507.50 from the Playground Maintenance revenue budget.

(Scrutiny – Corporate Performance and Resources)

(c) Circular Economy Funding - Waste Grant

The Council has received three awards of funding in relation to Circular Economy Funding:-

- Up to £250,000 for recycling bins for flats and apartments for collections blueprint rollout service. The funding relates to the period 1<sup>st</sup> October 2020 to 31<sup>st</sup> March 2021.
- Up to £358,194 to support the construction of a reuse shop located next to the household waste and recycling centre within Atlantic Trading Estate, Barry. The funding relates to the period 1<sup>st</sup> October 2020 to the 31<sup>st</sup> March 2021.
- Up to £500,000 for sorting equipment and baler for collections blueprint service rollout. The funding relates to the period 1<sup>st</sup> October 2020 to 31<sup>st</sup> March 2021.

Due to the time constraints on these grant schemes, the use of Emergency Powers was sought to include three new schemes in the 2020/2021 Capital Programme, to be funded by a grant from Welsh Government.

(Scrutiny – Environment and Regeneration)

(d) St Cyres Hygiene Room

St Cyres Comprehensive School have paid for works to be carried out to the hygiene room, central education has agreed to reimburse the school for these costs. The total costs of the works are £17,860.37.

The use of Emergency Powers was sought to include a new scheme in the 2020/21 Capital Programme with a budget of £17,860.37, to be funded by a contribution of £3,826.94 from the ALN Resources Pupil Support revenue budget and £14,033.43 from the School Organisation repairs and maintenance revenue budget.

(Scrutiny – Learning and Culture)

(e) Pendoylan C/W Primary School

The school have been awarded a Capital Repairs and Maintenance Programme grant through the diocese to contribute towards the removal of loose render and to re-render the external perimeter walls.

The total cost of the works was anticipated to be £19,458.30 and the grant was for 85% of this cost.

The use of Emergency Powers was sought to include this new scheme in the 2020/21 Capital Programme with a budget of £19,458.30, to be funded £16,539.55 grant and £2,918.75 revenue contribution from the school.

(Scrutiny – Learning and Culture)

(f) COVID-19 Kickstart Scheme

Funding will be used to create six-month, meaningful jobs for young people, aged 16-24, who are claiming Universal Credit and referred for employment opportunities.

All jobs supported by Grant funding must:

- be for a minimum of 25 hours a week, for six months; and
- pay at least the National Minimum Wage/National Living Wage (as applicable) for the Participant's age group and national insurance and minimum automatic enrolment contributions.

The use of Emergency Powers was sought to accept up to £529,113.60 (based on a maximum award of £7,348.80 per participant and up to 72 participants) and administer it on behalf of DWP in line with the Kickstart Scheme guidelines.

(Scrutiny – Corporate Performance and Resources)

(g) Street Café Licence Extension to end March 2021 subject to review of COVID-19 restrictions

As a result of changing requirements due to the pandemic, the use of Emergency Powers was sought to approve the revised 'Temporary Trading Area' policy and that approval is granted to extend the free period to the 31st March 2021 (as an extension to the Powers referred to under Paragraph 2.1(a) to this report.

(Scrutiny – Environment and Regeneration)

(h) Toilet Refurbishment Civic Offices

The use of Emergency Powers was sought to increase the Toilet Refurbishment Civic Offices budget in the 2020/21 Capital Programme by £21,142 to be funded by a contribution from the Facilities revenue budget.

(Scrutiny – Corporate Performance and Resources)

### **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.