

Meeting of:	Cabinet
Date of Meeting:	Monday, 25 January 2021
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 21 December, 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 21 December, 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 21 December, 2020.

(a) Childcare Offer Capital Grants Programme

The Council has received a Variation to the award of Funding in relation to the Childcare Offer Capital Grant Programme. The Council had been awarded an additional sum of £40k towards the capital Small Grant Scheme. The Funding relates to the period 2020/2021 and must be utilised in full by 31st March 2021.

The use of Emergency Powers was sought to include a new scheme in the 2020/21 Capital Programme called Small Grant Scheme – COVID-19 allocation with a budget of £40k, to be funded by a grant from Welsh Government.

(Scrutiny – Learning and Culture)

(b) Local Places for Nature Funding

The use of Emergency Powers was sought to increase the 2020/21 Capital Programme by £61,810 to be funded from the Local Nature Partnership Cymru grant; the funding must be spent by 31st March 2021.

(Scrutiny – Environment and Regeneration)

(c) Emergency B&B Accommodation for Homelessness.

The use of Emergency Powers was sought:-

- To approve an additional 30 rooms be block booked at the Holiday Inn Express, Cardiff Airport, thus increasing the number from 35 to 65.
- To approve the block booking of all 65 rooms within the Holiday Inn Express until 31/03/21.
- To continue to utilise all 16 rooms currently secured at the Tadross Hotel, Barry until 31/03/2021.

- To give delegated authority to the Head of Housing and Building Services to further increase the number of rooms in these 3 hotels, if required.
(Scrutiny – Homes and Safe Communities)

(d) Covid -19 Non Domestic Rates – Restrictions Business Fund.

The use of Emergency Powers was sought to accept grant funding for COVID-19 Non Domestic Rates grants for businesses in Wales due to national restrictions introduced on the 4th December 2020.

(Scrutiny – Corporate Performance and Resources)

(e) Deed of Variation to Leisure Contract as part of the surrender of the Lease for Holm View Leisure Centre from Parkwood Leisure to enable the grant of a Lease to the University Health Board.

Further to the report approved by Cabinet on 30th November 2020 (minute C402) relating to the surrender of the current lease at Holm View by Parkwood Leisure, the use of Emergency Powers was sought following recommendation from Legal Services to put in place a Deed of Variation to the Leisure Contract.

(Scrutiny – Corporate Performance and Resources)

(f) Covid -19 Self-Isolation Payments.

The use of Emergency Powers was sought to obtain funding for COVID-19 Self-Isolation Payments to enable the Council to pay local residents a £500 payment where they have been advised that they need to self-isolate due to COVID-19.

(Scrutiny – Corporate Performance and Resources)

(g) Safe Routes in Communities - Porthkerry Road/Romilly Road/Windsor Road Active Travel Scheme.

The Council had received an additional award of funding of £20,000 in relation Safe Routes in Communities (SRIC) Grant from Welsh Government. The Funding related to the period 1 April 2020 to 31 March 2021. The total SRIC grant for 2020/21 was £63,843, split between £43,843 for St Athan which was already built into the Capital Programme and £20,000 for Porthkerry Road/Romilly Road/Windsor Road Active Travel Scheme.

The use of Emergency Powers was sought to include the additional £20,000 in the 2020/21 Capital Programme, to be funded by a grant from Welsh Government.

(Scrutiny – Environment & Regeneration)

(h) All Wales Play Opportunity Grant.

The Council had received an award of funding of £154,973 in relation to the All Wales Play Opportunities Grant from Welsh Government. The Funding related to the period 1 April 2020 to 31 March 2021. The allocation was split below between revenue and capital:-

Capital allocation - £132,973 The Purpose of the Funding was to enable the Council to meet some of the actions within their 2020 – 2021 Play Sufficiency Assessment (PSA) Action Plan.

Revenue allocation - £22,000 The Purpose of the Funding was to enable you to meet some of the actions within their 2020 – 2021 Play Sufficiency Assessment (PSA) Action Plan which relate to staffed playwork provision.

The use of Emergency Powers was sought to include a new scheme on the 2020/21 Capital Programme with a budget of £132,973, to be funded by a grant from Welsh Government.

(Scrutiny – Environment & Regeneration)

(i) Extension of the current secondment of the Officer undertaking the role of Head of Strategy, Innovation and Digital.

The use of Emergency Powers was sought for the secondment to be extended for a period of 6 months or until the completion of the restructuring exercise.

(Scrutiny – Corporate Performance and Resources)

(j) Property Insurance Renewal.

The use of Emergency Powers was sought to renew the Council's property insurance where significant savings would be achieved by entering into a new three-year contract.

(Scrutiny – Corporate Performance and Resources)

(k) Acceptance of additional funding through the Local Nature Partnership in relation to the Local Places for Nature Capital funding scheme 2021 /2022.

The use of Emergency Powers was sought to increase the 2021/22 Capital Programme by £101,250.00 to be funded from the Local Nature Partnership Cymru grant

(Scrutiny - Environment and Regeneration)

(l) Cloud Based Cashless Catering Solution

Following agreement by the Board of The Big Fresh Catering Company, the use of emergency powers was requested with regard to the replacement of BFCC's existing cashless catering contract with CIVICA in secondary schools set to expire in March 2021.

The use of Emergency Powers was sought to include the new scheme with a budget of £44,285 into the 2020/21 Capital Programme, to be funded by a contribution from the catering equipment reserve.

(Scrutiny – Learning and Culture)

(m) 21st Century Schools Programme – Decarbonisation Funding

In response to the climate emergency, the Council’s 21st Century Schools Team launched a project to explore how construction practices could be adapted to support decarbonisation as part of Band B of the 21st Century Schools Programme.

Welsh Government advised the Council that there could be the potential to increase the programme envelope for schemes supporting decarbonisation. In order to ensure the Council is able to invest additional funding to deliver other projects as net-zero, the Council requested that the overall programme envelope was increased by £1,050,000 to include the additional funding allocated to deliver decarbonisation which would be 100% funded by Welsh Government grant.

The use of Emergency Powers was sought to increase the 2021/22 Capital Programme by £1,050,000 to be funded from Welsh Government Grant.

(Scrutiny – Learning and Culture)

(n) Property Insurance Renewal

The use of Emergency Powers was sought to grant delegated authority to the Head of Finance to agree the terms and determine the period of the contract to be entered into with Protector in accordance with the Council’s Contract Procurement policy.

(Scrutiny – Corporate Performance and Resources)

(o) Sports Wales Grant

The use of Emergency Powers was sought to include a new scheme with a budget of £30k on the 2020/21 capital programme called Romily Tennis Courts. A cabinet report is currently being written with further details of this scheme and will request to add additional budget to the programme. It is also requested to increase the Sports Wales Grant scheme by £38.9k in the 2020/21 Capital Programme. This is a total of £68.9k all to be funded by a grant from Sports Wales.

(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.