

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 07 December 2020</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of Managing Director's Emergency Powers
Purpose of Report:	To notify Council of the exercising of Emergency Powers by the Managing Director since the resumption of Council meetings following the Covid-19 pandemic lockdown
Report Owner:	Rob Thomas, Managing Director
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	None required as the Constitution requires any Emergency Powers that are approved are reported to Council 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
<p><b>Executive Summary:</b></p> <p>To advise Council of the exercising of Emergency Powers by the Managing Director since the resumption of Council meetings following the Covid-19 pandemic lockdown. The first Cabinet meeting post recess was held on 7th September. The Covid-19 Emergency powers approach was used to good effect in recent months, but with the normal timetable of meetings recommencing from 7th September, the use of the non Covid-19 Emergency Powers route that has always been remains in place.</p> <p>The Council's Constitution at page 270 (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 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**

2. To inform Council

### **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:

#### **(a) Annual Meeting and Full Council meetings Remote Meeting Procedure**

To seek approval to implement a Remote Attendance Procedure for the conduct of Annual Meeting and Full Council meetings during Covid-19 and for this Procedure to be followed for meetings undertaken during the period of the restrictions in place during the pandemic.

This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution which will only be varied as referred to in this Procedure and, which will only be applied until determined otherwise by the Managing Director or Council.

(Scrutiny – Corporate Performance and Resources)

#### **(b) Standards Committee Procedure via Remote Attendance**

To seek approval to implement a Remote Attendance Procedure for the conduct of Standards Committee meetings and hearings during Covid-19 and for this Procedure to be followed for meetings undertaken during the period of the restrictions in place during the pandemic.

This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution which will only be varied as referred to in this Procedure and which will only be applied until determined otherwise by the Managing Director or Council.

(Scrutiny – Corporate Performance and Resources)

**(c) Remote Meeting Procedure in response to the Covid-19 pandemic for the Early Retirement / Redundancy Committee, Welsh Church Act Estate Committee, Democratic Services Committee and Senior Management Appointment Committee**

In light of the Covid-19 pandemic a Procedure is required for meetings of the Early Retirement / Redundancy Committee, Welsh Church Act Estate Committee, Democratic Services Committee and Senior Management Committee.

(Scrutiny - Corporate Performance and Resources)

(Scrutiny - Environment and Regeneration)

**(d) Remote Committee Procedures for the vale of Glamorgan's Community Liaison Committee, Voluntary Sector Joint Liaison Committee, Shared Regulatory Services Joint Committee and Vale of Glamorgan Local Access Forum**

To seek approval to implement a Remote Attendance Procedure for the conduct of Community Liaison Committee, Voluntary Sector Joint Liaison Committee, Shared Regulatory Services Joint Committee and Vale of Glamorgan Local Access Forum meetings during Covid-19 and for this Procedure to be followed for meetings undertaken during the period of the restrictions in place during the pandemic.

This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution which will only be varied as referred to in this Procedure and which will only be applied until determined otherwise by the Managing Director or Council.

(Scrutiny – Not Applicable)

**(e) Treasury Management Strategy 2020/21 Investment with UK Institutions**

The Council has reviewed its existing Investment Strategy following an announcement by the Debt Management Office and consultation with the Council's Treasury Management Advisors, Link Asset Management, and proposes that the limits set in the Council's Treasury Management Strategy 2020/21 be amended.

(Scrutiny – Corporate Performance and Resources)

**(f) The Big Fresh Catering Company (Local Authority Trading Company)**

To confirm the appointment of the Cabinet Member for Education and Regeneration as the Council's Elected Member representative on The Big Fresh Trading Company (Local Authority Trading Company) together with the Council's Managing Director in his capacity as Director of Resources who will represent the Council as shareholders of the Company and who will be advised by a Shareholder Advisory Panel, consisting of Council officers, as noted by Council on 9th December, 2019.

(Scrutiny – Corporate Performance and Resources)

**(g) All Council Meetings**

To seek approval following the reinstatement of the Council's Calendar of Meetings by Cabinet on 27th July, 2020 that all Council and Committee Remote Meeting Procedures be amended, where required, to reflect that the Council is dealing with business as usual as opposed to matters of an urgent nature.

(Scrutiny – Corporate Performance and Resources)

**(h) Variations to the Remote Meeting Procedure for the Annual Meeting and Full Council Meetings**

To seek approval for the following variations to the Remote Meeting Council Procedure of September 2020 for Annual Meetings and Full Council meetings –

- To allow, at the Annual Meeting and Full Council meetings for the \* Managing Director, \* Monitoring Officer and / or the Democratic Services Officer, to speak on matters relating to the smooth administration of the meetings and
- That Council Standing Orders be suspended in such instances;
- That the Council Procedure Rules be amended so that Members do not need to stand when addressing Annual Meetings and Full Council meetings when held remotely.

N.B. \* In the absence of the Managing Director, the nominated Deputy and in the absence of the Monitoring Officer, the Deputy Monitoring Officer.

(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 Council is to ensure that transparency has taken place and to inform the Council 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 Cabinet or Council as appropriate.

## **5. Background Papers**

Relevant Emergency Powers proformas.