

Meeting of:	Council
Date of Meeting:	Wednesday, 10 March 2021
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:	Leader
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 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>Executive Summary:</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) Change in Membership on Planning Committee

At the request of the Leader of the Vale Independents Group, to replace Councillor Andrew Parker on the Planning Committee with Councillor Michael Morgan with immediate effect and until further notice.

(Scrutiny – Corporate Performance and Resources)

(b) Change of Chairmanship – Homes and Safe Communities Scrutiny Committee

With immediate effect to comply with Section 70 of the Local Government Measure 2011 by allocating the Vale of Glamorgan Council's Plaid Cymru Group entitlement to their correct opposition group entitlement to one of the five Council's Scrutiny Committee Chairmanships. In this matter the Chairmanship of the Homes and Safe Communities Scrutiny Committee.

With immediate effect to comply with Section 70 of the Local Government Measure 2011 by adjusting the Executive Group's allocation of Scrutiny Committee entitlement from three to two Scrutiny Committees.

(Scrutiny – Homes and Safe Communities)

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.