

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 26 April 2021</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of Managing Director's Emergency Powers
Purpose of Report:	To notify Council To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 10 March, 2021
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 to be 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 last report on 10 March, 2021.</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 Michael Morgan on the Planning Committee with Councillor Andrew Parker with immediate effect and until further notice.

(Scrutiny – Corporate Performance and Resources)

### **(b) Change in Membership on Standards Committee and Standards Committee Appointment Committee**

At the request of the Leader of the Labour Group, to replace Councillor Owen Griffiths on the Standards Committee and Standards Committee Appointment Committee with Councillor Rhiannon Birch with immediate effect and until further notice.

(Scrutiny – Corporate Performance and Resources)

### **(c) To amend the Composition and Terms of Reference of the Governance and Audit Committee**

To amend the composition and Terms of Reference of the Governance and Audit Committee as a result of the Local Government and Elections (Wales) Act 2021 from 1st April, 2021, in respect of CIPFA good practice and also the bringing together of some of the existing remit of Audit as outlined elsewhere in the Constitution, into one place, as advised by the Head of Audit (see Appendix A attached)

(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.

### **Governance and Audit Committee**

To amend the composition and Terms of Reference of the Governance and Audit Committee with the following amendments as a result of the Local Government and Elections (Wales) Act 2021 from 1<sup>st</sup> April, 2021, in respect of CIPFA good practice and also the bringing together of some of the existing remit of Audit as outlined elsewhere in the Constitution, into one place, as advised by the Head of Audit. The amendments being as follows

- Paragraphs 1 – 6 below in light of the LG&E Act 21 and
- Paragraphs 7- 13 below in light of CIPFA good practice and bringing together in one place other aspects elsewhere in the Constitution.

#### Governance and Audit Committee (7 Members plus 1 Lay Member)

#### Additional Terms of Reference (to be added to the Existing Terms of Reference in the Council's Constitution)

- (1) To consider the Council's draft Annual Performance Self-Assessment report and if deemed necessary may make recommendations for changes to the Council.
- (2) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.
- (3) At least once during the period between two consecutive ordinary elections of Councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.
- (4) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.
- (5) To review and assess the Council's ability to deal with complaints effectively.
- (6) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively.
- (7) Review and scrutinise the authority's financial affairs,
- (8) Make reports and recommendations in relation to the authority's financial affairs,
- (9) Review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority,
- (10) Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
- (11) Oversee the authority's internal and external audit arrangements, and
  - o review the financial statements prepared by the authority,

- (12) A local authority may confer on its **Governance and** Audit Committee such other functions as the authority considers suitable to be exercised by such a committee,
- (13) It is for a **Governance and** Audit Committee to determine how to exercise its functions.