

Meeting of:	Council
Date of Meeting:	Monday, 07 March 2022
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of Chief Executive's Emergency Powers
Purpose of Report:	To notify Council of the exercising of Emergency Powers by the Chief Executive since the last report on 6 th December, 2021
Report Owner:	Leader
Responsible Officer:	Rob Thomas, Chief Executive
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 Chief Executive's Delegated Powers set out on page 285 of the Council's Constitution
<p>Executive Summary:</p> <p>To advise Council of the exercising of Emergency Powers by the Chief Executive since the last report on 6th December, 2021.</p> <p>The Council's Constitution at page 285 (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 Chief Executive'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 Chief Executive's Emergency Powers:

(a) RansomCare Contract

Delegated Authority granted for the Head of Legal Services to sign a contract with Ricoh, the suppliers of RansomCare anti-ransomware software, as approved by the Information Governance Board and SLT, the contract period being 3 years and 6 months.

(Scrutiny – Corporate Performance and Resources)

(b) Interim Head of Finance / S151 Officer Role

That the existing Operational Manager (Accountancy) / Deputy S151 Officer backfills the post of Head of Finance / S151 with immediate effect and from the date of this EP. This will run until the end of January 2022, which is the date of impending retirement from the role of the current Deputy. This interim period will also allow the organisation to consider the need for additional cover, which will be influenced and informed by the outcome of the Senior Management Appointment Committee on 17th December, 2021.

(Scrutiny – Corporate Performance and Resources)

(c) Attendance at Local Authority Meetings

The Council's attendance at Local Authority meetings procedure link (27th April 2021) be amended with immediate effect to allow for "in person" meetings to take place under the terms of reference of the Senior Management Appointment Committee where it is deemed appropriate by the Managing Director in consultation with the Leader of the Council for "in person" interviews / meetings to be undertaken. The interviews / meetings to be conducted having regard to Welsh Government COVID 19 Guidance and Council protocols / procedures.

(Scrutiny – Corporate Performance and Resources)

(d) Her Majesty's Land Registry (HMLR) – National Land Registry Digitisation Project – Collaboration Agreement

To grant the Monitoring Officer / Head of Legal and Democratic Services delegated authority to enter into a Collaboration Agreement on behalf of the Council with HMLR. The Infrastructure Act 2015 gave HMLR power to create a single, national digital register of Local Land Charges. The national aim is to make the home-buying process simpler,

faster and cheaper. The Council has now been approached by the Land Register to start this process. To proceed with the project it is necessary for the Council to enter into a collaborative agreement.

(Scrutiny – Corporate Performance and Resources)

(e) Remote Meeting Procedure for Public Rights of Way Sub-Committee Meetings

To seek approval of the remote meeting procedure for meetings of the Public Rights of Way Sub-Committee meetings.

(Scrutiny – Corporate Performance and Resources)

(f) Extension of Interim Head of Finance / S151 Officer Role

To extend the Interim Head of Finance / S151 Officer role from 1st February to 3rd April, 2022.

(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 Chief Executive’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.