

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 06 March 2023</b>
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 5 <sup>th</sup> December, 2022
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
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 as set out in the Council's Constitution
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• To advise Council of the exercising of Emergency Powers by the Chief Executive since the last report on 5<sup>th</sup> December, 2022.</li> <li>• The Council's Constitution at page 318 (delegated powers) states: "Chief Executive or, in his absence, the nominated deputy <ol style="list-style-type: none"> <li>1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving Council in financial commitments, the Leader(s), Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion: <ol style="list-style-type: none"> <li>(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."</li> </ol> </li> </ol> </li> </ul>	

## **Recommendation**

1. THAT the use of the Chief Executive's Emergency Powers be noted.

## **Reason for Recommendation**

1. 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) Development of National Significance: Local Impact Report for a Solar Farm at Vianshill Farm, The Downs, St. Nicholas**

To enable the Head of Sustainable Development to approve and send the Local Impact Report to Planning and Environment Decisions Wales (PEDW) in respect of the application made to PEDW for a solar farm with battery storage facility and associated ancillary infrastructure (Parc Dyffryn Solar Farm) by 21<sup>st</sup> December, 2022, which does not allow time for the report to be considered at the next Planning Committee meeting.

(Scrutiny – N/A)

**(b) Change in Conservative Group Membership on the Corporate Parenting Panel**

At the request of the Conservative Group Leader, Councillor George Carroll, that Councillor Robert Fisher be replaced on the Corporate Parenting Panel by Councillor Janice Charles with immediate effect.

(Scrutiny – Corporate Performance and Resources)

**(c) Change in Labour Group Membership on the Planning Committee and Environment and Regeneration Scrutiny Committee**

At the request of the Leader of the Labour Group, Councillor Lis Burnett, that Councillor Rhiannon Birch be replaced with Councillor Ian Buckley on the Planning Committee; and Councillor Ian Buckley be replaced with Councillor Elliot Penn on the Environment and Regeneration Scrutiny Committee, both with immediate effect.

(Scrutiny – Corporate Performance and Resources)

**(d) Membership on the Vale of Glamorgan Local Access Forum**

At the request of the Leader of the Labour Group, Councillor Lis Burnett, that Councillor Edward Williams be reappointed as the Council's Elected Member representative on the Vale of Glamorgan Local Access Forum for three years.

(Scrutiny – Corporate Performance and Resources)

**(e) Welsh Government Consultation on the Guidance for Premiums on Second Homes and Long-Term Empty Properties**

Welsh Government are consulting on proposals to change the existing guidance to assist Local Authorities when charging premiums. There are two key areas where it is considered that the proposed guidance should be changed and therefore a response from the Council is required.

(Scrutiny – Corporate Performance and Resources)

**(f) The Write-Off of Debts of £10,000 that are Statute Barred**

To write-off the amounts in accordance with delegated powers as the debts are now Statute Barred but total over £10k per customer (Section 17.11.10 and Section 26 of the Council’s Constitution refer) as part of an exercise to migrate outstanding debts from Oracle Accounts Receivable to the Academy Debt Management System.

(Scrutiny – Corporate Performance and Resources)

**(g) Amendments to the Constitution re Capped Allowances for Co-opted Members**

Having regard to the increase in workload for the Governance and Audit Committee and Standards Committee in 2022/23 and as a result of the provisions of the Local Government and Elections (Wales) Act 2021, the allowance within the Council’s Constitution (Section 273, page 378 refers) for which payments to Co-opted Members are capped to “ten full days” be amended to “capped at fifteen full days for 2022/23”.

(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. Climate Change and Nature Implications**

- 4.1** There are no direct climate change and nature related implications associated with this report. The Corporate Plan and Annual Delivery Plan incorporate our key commitments which aim to have a positive impact on climate change and nature overall. The climate change and nature implications related to the Council's activities are outlined in Project Zero (the Council's Climate Change / carbon reduction programme) and identifies the mitigating actions we intend to take to minimise the adverse consequences of our activities.

## **5. Resources and Legal Considerations**

### **Financial**

- 5.1** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

### **Employment**

- 5.2** 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)**

- 5.3** 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(s), 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.

## **6. Background Papers**

Relevant Emergency Powers proformas.