

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 29 April 2024</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 6 <sup>th</sup> March, 2024
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 6<sup>th</sup> March, 2024.</li> <li>• The Council's Constitution at page 327 (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) Amendment to the Constitution**

That the Council's Constitution at Section 27 be amended to reflect the determination of the Independent Remuneration Panel for Wales (IRPW) that there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings. From 1<sup>st</sup> April, 2024 the IRPW have also included for Co-opted Members an hourly rate whereas previously the determinations had related to allowances for up to 4 hours and over 4 hours (as reflected in the Council's Constitution). It was recommended that the Council's Constitution be also amended to include the hourly rates as referred to below:

- Chairs of Standards and Audit Committees – £33.50 hourly rate, £134 for up to 4 hours and £268 for over 4 hours;
- Ordinary Members of Standards Committees, Education Scrutiny Committee and Audit Committee – £26.50 hourly rate, £105 for up to 4 hours and £210 for over 4 hours.

(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.