

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 11 July 2024</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Use of the Chief Executive’s Emergency Powers
Purpose of Report:	To notify Cabinet of the exercising of Emergency Powers by the Chief Executive since the last report on 23rd May, 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 that any Emergency Powers approved be reported to Cabinet for information.
Policy Framework:	This is a matter for Executive decision by Cabinet. All actions fall within Paragraph 1 of the Chief Executive’s Delegated Powers set out on page 327 of the Council's Constitution.
<p><b>Executive Summary:</b></p> <p>To advise Cabinet of the exercising of Emergency Powers by the Chief Executive since the last report of 23rd May, 2024.</p> <p>The Council’s Constitution at page 327 (delegated powers) states:</p> <p>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:</p> <p>(a) requires immediate action; and</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**

1. To inform Cabinet.

## **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 since the last report of 23rd May, 2024.

(a) Regional Integration Fund – Western Vale Wellbeing Hub for Older Adults and People Living with Dementia.

Additional funding was being sourced from the Regional Integration Fund to carry out improvement works to a site in St Illtud House (Formerly Llantwit Major Family Centre) to enable a multi-functional space for a Day Centre and associated community access opportunities within a Western Vale Wellbeing Hub.

The works included improvements to the kitchen area, toilets and access/ egress from the Wellbeing Hub. Total sum of the works due to be carried out was £28,838.84.

The use of Emergency Powers was sought to include the new scheme for the adaptations to the Western Vale Wellbeing Hub and increase the 2024/25 Capital Programme by £28,838.84, to be funded from a contribution from the Social Services revenue budget. The grant would be managed by existing staff in Social Services and Property Services.

(Scrutiny – Healthy Living and Social Care)

(b) Childcare and Early Years Capital Programme FY2024-25 – Cadoxton Childcare and Childcare and Early Years Capital Programme FY 2024/2025 – Small Grants Funding.

The Council had been awarded a grant from Welsh Government for funding in relation to Early Years and Childcare Capital funding in the sum of £500k for Cadoxton Childcare.

The funding related to capital expenditure on those grant schemes during the period 1st April, 2023 to 31st March, 2025.

The use of Emergency Powers was sought to support the delivery of the early Years and Childcare Capital Programme.

(Scrutiny – Learning and Culture)

(c) Ysgol Gwaun Y Nant Roof Renewal Phase 1 & Safeguarding and Security of External School Boundaries Phase 2.

The Council had been awarded a further £364k by the Welsh Government towards the School Maintenance budget in 2023/24. The terms and conditions allowed that the funding would be used in 2023/24 financial year for locally determined capital expenditure and the funding displaced by the grant would be spent in 2024/25 for investment in the improvement of schools in accordance with the grant terms and conditions. The grant had been placed into a specific reserve at the end of the financial year and would fund the following two schemes in the 2024/25 Capital Programme for Ysgol Gwaun Y Nant Roof Renewal Phase 1 & Safeguarding and Security of External School Boundaries Phase 2.

The use of Emergency Powers was sought to include the two new schemes for Ysgol Gwaun Y Nant Roof Renewal Phase 1 with a budget of £234k & Safeguarding and Security of External School Boundaries Phase 2 with a budget of £130k, to be funded with Welsh Government grant.

(Scrutiny – Learning and Culture)

(d) Flood and Coastal Erosion Risk Management (FCERM) Small Scale Works 2024-25.

A flood risk management scheme had been developed to undertake headwall improvement works, including the installation of a new trash screen, at Ogmores Place, Barry to reduce the risk of blockage. The scheme had been awarded Welsh Government grant funding through the FCERM Small Scale Works 2024-25 funding stream.

The use of Emergency Powers was sought to accept the funding and vary the Capital Programme so work could commence immediately on the detailed design, enabling construction within the funding constraints.

(Scrutiny – Environment and Regeneration)

(e) Extension of lease at Hen Goleg.

Two day services and the Learning Disability team are located at Hen Goleg. The service had been considering options for relocation through consideration of future service requirements in consultation with the Eich Lle/Your Space project team. There were no short-term alternatives for the service to be relocated within current corporate property and it was anticipated that a further 3-year lease extension would be required to enable the service time to consider longer term service needs and to enable the Eich Lle team to find suitable alternative accommodation based on long-term requirements.

The use of Emergency Powers was sought for:-

1. The Operational Manager (Property) to instruct Monitoring Officer/Head of Legal and Democratic Services/Operation Manager Legal Service to initially serve a counter proposal for a 3-year lease extension; and

2. Delegated authority for the Operational Manager (Property), in consultation with the Director of Social Services and Monitoring Officer/Head of Legal and Democratic Services, (in the event that a 3 year extension to the Lease was not agreed by the Landlord) to negotiate and agree an acceptable term of lease subject to a maximum term of 15 years providing 3 yearly break clauses in favour of the Council were inserted into the lease.

(Scrutiny – Healthy Living and Social Care)

### **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 Cabinet is to ensure that transparency has taken place and to inform the Cabinet 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 and nature implications associated with the report.

### **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, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

(a) Requires immediate action; and

(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.

**6. Background Papers**

Relevant Emergency Powers proformas.