

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Wednesday, 01 May 2019</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of Managing Director's Emergency Powers
Purpose of Report:	To notify Council of the exercising of Emergency Powers by the Managing Director since the last report on 26th September, 2018
Report Owner:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	None required as the Constitution requires any Emergency Powers that are approved are 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> <ul style="list-style-type: none"> <li>To advise Council of the exercising of Emergency Powers by the Managing Director since the last report of 26th September, 2018.</li> </ul> <p>The Council's Constitution at page 270 (delegated powers) states:</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) **Membership of the Environment and Regeneration Scrutiny Committee, Learning and Culture Scrutiny Committee and Voluntary Sector Joint Liaison Committee**

To fill the vacancies on the above Committees following the resignation of former Councillor Matthew Lloyd:

Environment and Regeneration Scrutiny Committee – Councillor Andrew Davies;

Learning and Culture Scrutiny Committee – Councillor Kathryn McCaffer;

Voluntary Sector Joint Liaison Committee – Councillor Andrew Davies.

(Scrutiny – Corporate Performance and Resources)

- (b) **Appointment to Outside Body – Rhoose Bowling Club**

To fill the vacancy on the above Outside Body following the resignation of former Councillor Matthew Lloyd

Rhoose Bowling Club – Councillor Andrew Davies.

(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.