

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 09 September 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 1 <sup>st</sup> May, 2019
Report Owner:	Rob Thomas, Managing Director
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
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> <p>To advise Council of the exercising of Emergency Powers by the Managing Director since the last report of 1<sup>st</sup> May, 2019.</p> <p>The Council's Constitution at page 270 (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 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) 20 Foot Catering Trailer**

Purchase of a Catering Trailer for LATC which will need to be included in the capital Programme. This purchase cost will be £46,232 and will be funded from Catering reserves. A waiver was signed by the Head of Finance / Section 151 Officer.

(Scrutiny – Corporate Performance and Resources)

#### **(b) Membership of Planning Committee and Senior Management Appointment Committee**

Following the resignation of Councillor Bird and Councillor Penrose from the Conservative Group, it was necessary to amend the membership of the above Committees as follows until the revised political balance calculations could be confirmed at the Annual Meeting scheduled for 20th May, 2019:

- To provide for two vacancies on the Planning Committee;
- To provide one vacancy on the Senior Management Appointment Committee.

(Scrutiny – Corporate Performance and Resources)

#### **(c) Change of Membership of the Democratic Services Committee**

The Leader of the Conservative Group requested that Councillor Vincent Bailey be replaced with Councillor Leighton Rowlands on the above Committee with immediate effect.

(Scrutiny - Corporate Performance and Resources)

#### **(d) Additional Schools Capital Schemes 2019/20**

On 20<sup>th</sup> March, 2019 Welsh Government issued a grant offer letter to the Council providing additional capital funding of £1,765,089 for schools. The grant funding could

be used in 2018/19 to fund existing capital schemes with the displaced funding to be used in 2019/20 for investment in the improvement of schools.

A list of priority schemes was produced, and as some of those schemes needed to be undertaken during the summer holidays, authorisation to proceed was required as a matter of urgency.

It was requested that approval be given for the schemes to proceed and that the 2019/20 Capital Programme was increased by £1,765,089, being funded from displaced 2018/19 capital funding which will be carried forward between years in a specific capital reserve

(Scrutiny – Corporate Performance and Resources)

#### **(e) Change of Memberships on Outside Bodies**

At the request of the Leader to replace the representation on the Glamorgan Archives Joint Committee as follows:

- The position of Cabinet Member for Regulatory and Legal Services be replaced with Councillor Hunter Jarvie and Councillor Andrew Robertson be replaced with Councillor Gwyn John.

To take immediate effect until the next Local Government elections in view of the forthcoming meetings of the Glamorgan Archives Joint Committee that were scheduled to take place, prior to consideration by Cabinet on 17<sup>th</sup> June, 2019 of a report in respect of appointments to Outside Bodies.

(Scrutiny – Corporate Performance and Resources)

#### **(f) Microsoft Enterprise Agreement Year 2 Renewal**

The Authority's ICT Department had entered into a three year contract for Microsoft Licensing with Phoenix Software Ltd. Following a planned Software Asset Management (SAM) report, it was discovered that the Authority had a licence shortfall in a number of areas and in order to remain compliant it was necessary to add a number of licences to the existing contract, therefore raising the cost of renewal for the second year from £387k to £473,105.72. Emergency Powers were sought to award the contract. At present it is not possible to predict the cost for Year 3 but if all specifications remain the same, Year 3 will also be £473,105.72.

(Scrutiny – Corporate Performance and Resources)

#### **(g) Change of Membership on Outside Bodies**

Following the change in Administration, appointments were made as below in view of a meeting of the Welsh Local Government Association Council scheduled to take place on 14<sup>th</sup> June, 2019 prior to the consideration by Cabinet of a report on Appointments to Outside Bodies on 17<sup>th</sup> June, 2019.

- Welsh Local Government Association: Council – Leader, Councillor Neil Moore, Deputy Leader, Councillor Lis Burnett and Cabinet Member for Social Care and Health, Councillor Ben Gray;
- Welsh Local Government Association Executive Board – Leader, Councillor Neil Moore;

The appointments to take immediate effect until the next Local Government elections.

(Scrutiny – Corporate Performance and Resources)

#### **(h) Change of Membership on Committees and Outside Bodies**

Following the change in Administration, Emergency Powers were sought to amend the membership on Council Committees and Outside Bodies as below in view of impending meetings:

- Councillor Gwyn John, Leader of the Llantwit Major First Independent Group advised that Councillor Sally Hanks will replace him on the Senior Management Appointment Committee with immediate effect;
- Councillor Vincent Bailey, Leader of the Conservative Group, advised that Councillor Christine Cave will replace Councillor Janice Charles on the Appeals Committee with immediate effect.
- South Wales Fire and Rescue Authority: Councillors Robert Crowley and Kathryn McCaffer replaced with Councillors Pamela Drake and Hunter Jarvie with immediate effect until the next Local Government elections;
- Cardiff and Vale College Board of Governors: Cabinet Member for Learning and Culture replaced with Councillor Ben Gray with immediate effect until the next Local Government elections;

(Scrutiny – Corporate Performance and Resources)

#### **(i) Membership of Appeals Panel**

The Appeals Panel was established by Full Council in June 2013 to consider appeals by employees in respect of the dismissal decision for reasons related to conduct and capability and in respect of Stage 3 Grievance Appeals. In light of the change of the Administration of the Council Emergency Powers were sought to appoint a pool of three Elected Members from which one Member would be drawn and appointed to the Panel. The pool of three Members being determined by nominations from the Group Leaders for the three largest political parties.

(Scrutiny – Corporate Performance and Resources)

**(j) Change of Membership on the Standards Committee**

Councillor Vincent Bailey, Leader of the Conservative Group, advised that Councillor Marguerita Wright would replace Councillor Leighton Rowlands on the Standards Committee with immediate effect.

(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.