

Meeting of:	Council
Date of Meeting:	Monday, 06 December 2021
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of Managing Director's Emergency Powers
Purpose of Report:	To notify Council To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 10 March, 2021
Report Owner:	Leader
Responsible Officer:	Rob Thomas, Managing Director
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 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 on 26th July, 2021.</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) Change in Membership on Planning Committee

At the request of the Leader of the Labour Group to replace Councillor Margaret Wilkinson on the Planning Committee with Councillor Julie Aviet with immediate effect.

(Scrutiny – Corporate Performance and Resources)

(b) Change in Membership on Senior Management Appointment Committee

At the request of Councillor Ben Gray, Leader of the Vale Independents Group, that he be replaced on the Senior Management Appointment Committee with Councillor John Thomas with immediate effect.

(Scrutiny – Corporate Performance and Resources)

(c) Her Majesty's Land Registry (HMLR) – National Land Registry Digitisation Project

To grant the Monitoring Officer / Head of Legal and Democratic Services delegated authority to enter into and execute a Terms of Collaboration on behalf of the Council with HMLR.

(Scrutiny – Corporate Performance and Resources)

(d) Change in Membership on Senior Management Appointment Committee

At the request of the Leader of the Conservative Group to replace Councillor Vincent Bailey on the Senior Management Appointment Committee with Councillor George Carroll with immediate effect.

(Scrutiny – Corporate Performance and Resources)

(e) The Council's Data Protection Officer (DPO)

Following the voluntary resignation of the Council's Information Manager who is currently designated as the Council's DPO (including relevant schools) it will be necessary to redesignate the Council's Monitoring Officer / Head of Legal and Democratic Services as the Council's DPO from 7th November, 2021 in order to comply

with GDPR Regulations on an interim basis until such time as a replacement Information Manager is appointed.

(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.