

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

17th March 2020

REPORT OF THE CHIEF EXECUTIVE, ASSISTANT CHIEF EXECUTIVE AND CHIEF DIGITAL OFFICER AND HEAD OF LEGAL SERVICES

Matter for Decision.

Wards Affected: "All wards"

DELEGATED POWERS IN RESPECT OF COVID 19 ISSUES

1. Purpose of Report

The purpose of the report is to set out a scheme of delegation for decision making in the inability to invoke the urgency action elements contained with the Council's Constitution.

2. Executive Summary

The purpose of the report is to set out a scheme of delegation for decision making in the absence of members or with the inability to invoke the urgency action elements contained with the Council's Constitution. Delegated authority is sought to Chief Officers to make determination on matters to ensure key services continue to operate, ensure the Council, its residents and staff interests are protected and the operation of other services can continue to be taken into consideration in light of the potential implications of COVID 19.

3. Background

The Council's Constitution contains a scheme of delegations to officers setting out the level of decision making that officers are able to undertake.

When Council meetings are unable to take place, the Council has a scheme of decision making that allows urgent actions to be taken for which officers do not have delegated authority.

As of the 16th March 2020, the Council has suspended all of its Council meetings and will allow decision making to take place via the Urgency Action protocol.

The Urgency Action procedure will apply to all urgent decisions that are required to be taken during this period. The Leader and Deputy Leader together with the relevant cabinet portfolio holder and the Chair of the relevant scrutiny committee or Vice Chair (or the Mayor or Deputy Mayor in the absence of the Chair or Vice Chair of Scrutiny) will deal with the urgent decisions required by the Executive. All urgency actions taken during the period will be subsequently fully reported back to the Cabinet and Cabinet Board meetings. Democratic Services will be responsible for preparing the reports on urgency actions taken. Arrangements will also be made to keep all Members of Council informed of decisions taken under this protocol throughout the period whilst Council meetings are suspended.

It is recognised however that there may come a time where the ability to liaise with Members could be limited and urgent actions will need to be taken.

Approval therefore is sought that in respect of the exercise of executive functions as outlined in the Council's Constitution, and in the inability to invoke the urgency action provision as more particularly described in the Council's Constitution, delegated power and responsibility of exercising such executive functions to the Chief Executive or in his absence any Corporate Director or the Assistant Chief Executive and Chief Digital Officer to make decisions and undertake the actions required to ensure key services continue to operate, ensure the Council, its residents and staff interests are protected and the operation of other services be suspended as may be necessary taking into consideration the potential implications of COVID 19. Where a decision is taken it will be reported back to Leader, Deputy Leader and other Members at the earliest opportunity.

4. Financial Impact

There are no immediate financial impacts as a result of this recommendation.

5. Integrated Impact Assessment

There is no requirement to undertake an integrated impact assessment though legal obligations will be considered as part of any decision making undertaken by officers.

6. Valleys Communities Impacts:

There is no overall impact on any valley community as a result of this recommendation.

7. Workforce Impact

There are no immediate impacts on the Neath Port Talbot Council workforce as a result of this recommendation

8. Legal Impact

The Council's Constitution already contains a series of delegated powers to Chief Officers and protocols are in place in respect of urgency actions for those matters which officers do not have delegated authority. The Local Government Act 1972 permits the delegation of functions to officers of the local authority.

9. Risk Management

Failure to ensure suitable delegated powers in place could unnecessarily delay the taking of steps that are necessary to support the public and ensure that services can respond to increased demands with a reduced workforce

10. Consultation

There is no requirement for external consultation on this report.

11. Recommendations

It is recommended that in respect of the exercise of executive functions as outlined in the Council's Constitution, and in the inability to invoke the urgency action provision as more particularly described in the Council's Constitution, delegated power and responsibility of exercising such executive functions is given to the Chief Executive or in his absence any Corporate Director or the Assistant Chief Executive and Chief Digital Officer to make decisions and undertake the actions required to ensure key services continue to operate, ensure the Council, its residents and

staff interests are protected and the operation of other services be suspended as may be necessary taking into consideration the potential implications of COVID 19. Where a decision is taken it will be reported back to Leader, Deputy Leader and other Members at the earliest opportunity.

20 Reasons for Proposed Decision

To ensure that the Council has robust arrangements in place in response to the current outbreak of COVID 19 and to protect and support the public and ensure services can respond to increased demand with a reduced workforce

12 Implementation of Decision

The decision will be implemented immediately

13 Appendices

None

14 List of Background Papers

None

15 Officer Contact

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