

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**Cabinet
12th January 2022**

Report of the Head of Legal and Democratic Services

Matter for Decision

Wards Affected:

All

Decision Making March 2022 – May 2022

Purpose of the Report:

To put in place decision making arrangements during the election period.

Background:

This report addresses the matter of decision making within the Authority for the period 4th May – 31st May, 2022

It follows the same format as used previously in covering the election period.

Some key dates are as follows:-

16th March, 2022 - Final meeting of Council

5th May, 2022 – Elections

17th May, 2022 – Special Council

No later than the 31st May, 2022 – Special Council.

When, as in this year, the membership of the Council is up for election, there can be a brief hiatus or gap in decision making powers until the new Council is reconstituted. This report is intended to cover that gap by extending delegated power to officers subject to consultation with Members. This delegation has been granted previously and would come to an end on 31st May 2022.

The delegation is intended to be used sparingly for important matters that cannot be left until the new Council.

Reports in similar form have been put to Cabinet and Council.

The appropriate pro-forma for such actions is included at Appendix 1 to this report.

Financial Impacts:

There are no financial impacts associated with this report

Integrated Impact Assessment:

There is no requirement for an integrated impact assessment for this report.

Valleys Communities Impacts:

There are no valley community impacts associated with this report.

Workforce Impacts:

There are no workforce impacts associated with this report

Legal Impacts:

Ensuring continuity of decision making will allow for compliance with the Constitution of Neath Port Talbot County Borough Council

Risk Management Impacts:

Failure to ensure continuity of decision making could render the Council exposed to challenge.

Consultation:

There is no requirement for external consultation on this report.

Recommendations:

It is recommended that

- (1) any matters which normally require determination by Cabinet or Cabinet Boards, or any other Committee or Sub Committee of the Council, and which in the view of the Chief Executive, or a Corporate Director or a

Head of Service necessitates a decision to be taken during the period 5th May to 31st May 2022, then such Officer (s) in respect of matters within their Service functions, shall have delegated power to take a decision and to authorise any action on the matters in question, subject to the following :-

- (a) any decisions taken must comply with normal reporting format, including compliance statement and reason for decision, except that implementation shall be with immediate effect without any call-in requirement;
 - (b) all decisions shall be reported back to Members;
 - (c) this delegation will not include any determination of planning applications which are normally determined by the Planning Committee, unless deemed urgent by the Head of Planning and Public Protection in the context of statutory timescales; nor will it include decisions on any planning matters deemed to be “controversial” in the view of the Head of Planning and Public Protection. Any planning applications dealt with under this delegation will be determined by the Head of Planning and Public Protection
 - (d) in exercising the above delegated powers, Officers will be required to consult with three Members as follows:
 - (i) From 6th May to 17th May – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
 - (ii) From 17th May to 31st May - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group). Subject in both cases to these groups being constituted.
- (2) the Mayor or Deputy Mayor be authorised to be present at the opening of tenders during the period set out in recommendation 1(a) above and the Leader or Deputy Leader (or in their absence the Mayor or Deputy Mayor) during the period set out in (1(d)(ii) above.

Reasons for Proposed Decision:

To ensure continuity of decision making during the period between the election and the constitution of the authority.

Implementation of Decision:

This decision is proposed for implementation immediately with the approval of the Scrutiny Chair and is not subject to call in.

Appendices:

Appendix 1- Decision Pro-forma

List of Background Papers:

None

Officer Contact:

Craig Griffiths
Head of Legal and Democratic Services
Email: c.griffiths2@npt.gov.uk

Appendix 1

Reference Number	
Chief Officer:	
To:	
Subject: (Title and brief description of content/reason for action)	
Officer Resolution:	
Reason for Urgency	
Recommendation(s):	
Date of Receipt:	
To be processed by:	
Private / Exempt Item:	
If Private /Exempt please state relevant Para Number:	

Please email completed form to Democratic.services@npt.gov.uk

To be completed by Democratic Services Officer:

This matter is not subject to call in

With three Members as follows:

- (A) From 5th May to 17th May – the current Mayor or Deputy Mayor and two other Members from different Political Groups (including one from any Majority Group);
- (B) (B) From 17th May to 31st May - the newly elected Leader or Deputy Leader (or in their absence the newly elected Mayor or Deputy Mayor) and two other Members from different Political Groups (including one from any Majority Group).

Approved by Mayor (or Deputy Mayor) or Leader (or Deputy Leader)		Date	
Member of _____ Group		Date	
Member of _____ Group		Date	
Authorised form emailed to Chief Officer:			
Date to be reported back to relevant Committee:			