

# Report

## Cabinet

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### Part 1

Date: March 2017

Item No: See above

### **Subject** Delegation of Interim Executive Powers

**Purpose** To ensure executive powers are delegated to allow any urgent decisions to be taken following the City Council elections and before the appointment of Executive members.

**Author** Head of Democratic Services

**Ward** all

**Summary** Arrangements need to be put into place to ensure that any urgent Executive decisions may be taken if necessary following the City Council elections on 4 May 2017 and before the appointment of Executive members. The Leader of the Council is to be appointed by the Council at the AGM. All other executive appointments are in the power of the Leader once appointed.

It is suggested that all Executive powers should be vested in the Chief Executive during that period. Decisions are to be taken by the Chief Executive only if a decision is required which cannot wait until the appointment of the Leader of the Council or Cabinet Members.

The Chief Executive will only take decisions following consultation with the individual Member of the Council who has been nominated by the Majority Group for recommendation to the Council to be appointed as Leader or in the absence of a political group with an overall majority, in consultation with Group Leaders.

A list of any urgent decisions taken in the interim period, and the reasons for the urgency, will subsequently be reported to Overview and Scrutiny, in accordance with the current urgent matters procedures

No interim scheme of delegation is needed in relation to non-executive decisions because these matters will already be delegated to officers or, in the case of decisions taken by Regulatory Committees; officers are able to take urgent decisions under Standing Orders.

The arrangements will come into force at midnight on 3 May 2017.

## **Proposals:**

1. To delegate powers to the Chief Executive to allow any urgent decisions to be taken following the City Council elections and before the appointment of Executive members
2. To confirm that decisions are to be taken by the Chief Executive only if a decision is required which cannot wait until the appointment of the Leader of the Council or Cabinet Members and will only be taken following consultation with the individual member of the Council who has been nominated for recommendation to the Council to be appointed as Leader or in the absence of a political group with an overall majority, in consultation with Group Leaders.
3. To confirm that a list of any urgent decisions taken in the interim period, and the reasons for the urgency, should subsequently be reported to Overview and Scrutiny/ Audit Committee in accordance with the current urgent matters procedures

**Action by** Chief Executive

**Timetable** As required between the election and the appointment of the Leader of the Council

This report was prepared after consultation with:

- Monitoring Officer
- Head of Finance
- Head of People & Business Change

## Background

Arrangements need to be put into place to ensure that any urgent Executive decisions may be taken if necessary following the City Council elections on 4 May 2017 and before the appointment of Executive members

This report suggests that such powers are vested in the Chief Executive, as Head of Paid Service and that decisions are subject to the existing urgent decisions process adopted by the Council.

## Financial Summary

There are no financial implications arising from these proposals

## Risks

You will need to complete the following Risk table

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Providing executive powers to an individual can lead to a misuse of powers	H	L	The report suggests that decisions are to be taken by the Chief Executive only if a decision is required which cannot wait until the appointment of the Leader of the Council or Cabinet Members and will only be taken following consultation with the individual member of the Council who has been nominated for recommendation to the Council to be appointed as Leader or in the absence of a political group with an overall majority, in consultation with Group Leaders. The reasons for the urgent decisions will need to be reported to the Scrutiny Committee	Monitoring Officer
Not providing the interim arrangements There will be no process for taking necessary urgent decisions in the interim	L	M/H	The report sets out a process to be followed	

## **Links to Council Policies and Priorities**

This proposal will allow the Council to be fully prepared for any executive action that is required at this time

## **Options Available and considered**

The alternative option would be not to delegate executive powers in the interim. The delegation of powers could be to another officer. It is suggested the appropriate officer is the Head of Paid Service.

## **Preferred Option and Why**

Since no executive powers will be vested in elected members until the Annual General Meeting of the Council or later, arrangements to allow any urgent decision-making are required. As no members will have executive powers, the best course of action is to vest such powers in an officer. It is suggested that officer should be the Head of Paid Service.

## **Comments of Chief Financial Officer**

There are no financial implications in transferring these powers on an interim basis

## **Comments of Monitoring Officer**

The proposed action is in accordance with the Cabinet's statutory powers to delegate the discharge of executive powers to individual officers under section 15 of the Local Government Act 2000. The term of office of all existing Councillors will end on 8<sup>th</sup> May, four days following the local elections, and although new Members will take up their office upon signing their declaration of acceptance, the Leader and Cabinet Member appointments will not be made until the Council AGM on 16<sup>th</sup> May. Therefore, there will be a short interim period when there will be no Executive empowered to take any urgent decisions that may arise. It is customary, on these occasions, for the Cabinet to grant delegated powers to the Head of Paid Service to take any executive decisions during this period that are too urgent to await the appointment of the new Leader and Cabinet. The reason for the urgency and the need to take any such decisions will have to be reported in due course to Scrutiny Committee. Officers already have emergency powers to take urgent non-executive decisions during this period.

## **Comments of Head of People and Business Change**

There are no staffing implications arising from the report. The proposal will ensure that key decisions continue to be made before the appointment of Executive members. Any decisions will be in line with the requirements of legislation as outlined below.

## **Comments of Cabinet Member**

This is a matter for the Cabinet as a whole.

## **Local issues**

There are no local ward issues

## **Scrutiny Committees**

This is an executive matter not for consideration by the Scrutiny Committees, although any urgent decisions taken in this manner will be subject to scrutiny in the normal manner

## **Equalities Impact Assessment and the Equalities Act 2010**

Not applicable

## **Children and Families (Wales) Measure**

Not Applicable

## **Wellbeing of Future Generations (Wales) Act 2015**

Any decisions taken by the Chief Executive would need to demonstrate that consideration has been given to the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act and compliance with legislation.

## **Crime and Disorder Act 1998**

N/A

## **Consultation**

Consultation was with Statutory Officers

## **Background Papers**

None in this instance

February 2017