

## ISLE OF ANGLESEY COUNTY COUNCIL

<b>MEETING:</b>	County Council
<b>DATE:</b>	18 May 2021
<b>TITLE:</b>	Executive Decisions between August 2020 – April 2021
<b>REPORT BY:</b>	Annwen Morgan Chief Executive
<b>PURPOSE OF REPORT:</b>	To report on the executive decisions made during the year to date
<b>CONTACT OFFICER:</b>	Lynn Ball, Director of Function (Council Business) / Monitoring Officer (ext 2568) <a href="mailto:lbxcs@ynysmon.gov.uk">lbxcs@ynysmon.gov.uk</a>

### 1. **Background**

- 1.1 In accordance with the Executive Procedure Rules (included in Part 4.4 of the Council's Constitution), "*The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, The Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Chief Executive will present a report to the next Ordinary Meeting of the Council setting out the changes made by the Leader.*" (Paragraph 4.4.1.4.2
- 1.2 In last year's report, it was reported that, as a result of the coronavirus pandemic, the Leader amended the scheme of delegation on 23rd March 2020. A further amendment was made on 13 August 2020. Details of the changes are included in paragraph 3.5 below.
- 1.3 This report is presented in accordance with paragraph 1.1 above and at the request of the Council's Internal Audit Service.

### 2. **Part 3 of the Council's Constitution – the scheme of delegation**

- 2.1 Part 3 of the Council's [Constitution](#) sets out the responsibilities in relation to decision making for various functions of the Council (the Council's scheme of delegation).
- 2.2 The Council's scheme of delegation is based on the principle that the Executive will exercise all of the local authority's decision making which have not been delegated to any other part of the local authority i.e. it will be an executive decision unless it has been noted, in law or under the Constitution, to be a decision of full Council, a regulatory committee or a decision for officers. This complies with the details included in [Local Government Act 2000](#) and [The Local Authorities \(Executive Arrangements\) \(Functions and Responsibilities\) \(Wales\) Regulations 2007](#) [which provides information on the decisions that (a) must not and (b) may not be for an Executive to make].

### 3. Executive decisions

3.1 Section 3.3 of the Constitution details items upon which decisions are to be made by the Executive. The delegation of executive functions lies with the Leader.

3.2 Executive decisions are made by the Executive as a whole, or may be made by individual members of the Executive (the Leader/Portfolio Holders), or Committees of the Executive, or officers acting under specific delegated executive authority.

#### 3.3 Collective Executive Decisions:

Executive decisions are made in [the meetings](#) which are usually held monthly. A recording of the meeting is available on the Council's website. The meeting on 17 May 2021 will be the first live-streamed Executive meeting since March 2020. The [decisions made](#) in each meeting are subsequently published.

#### 3.4 Portfolio Holder Decisions:

Portfolio Holder decisions are made in accordance with the standing [Executive delegation](#) and in accordance with the [Job Description for Executive Members](#)

The [decisions made by each Portfolio Holder](#) for the current period have been collated and are attached in the following Appendices to this report:

<b>Portfolio Holder</b>	<b>Councillor in role</b>	<b>Appendix</b>
Planning and Public Protection	Councillor Richard Dew	None to report
Social Services	Councillor Llinos M Huws (Leader)	<b>1</b>
Major Projects and Economic Development	Councillor Carwyn Jones	<b>2</b>
Education, Libraries, Youth and Culture	Councillor R Meirion Jones	None to report
Housing, Supporting Communities and Community Safety	Councillor Alun Mummery	None to report
Highways, Property and Waste Management	Councillor Bob Parry OBE FRAGS	<b>3</b>
Corporate Business	Councillor Dafydd R Thomas	None to report
Service Transformation and the Welsh Language	Councillor Ieuan Williams (Deputy Leader)	None to report
Finance	Councillor Robin Williams	<b>4</b>

#### 3.5 Decisions of the Leader:

Under the powers granted by legislation, and by the Council's Constitution, the Leader may also make any executive decisions; including those which have been delegated to others.

In response to the coronavirus pandemic, the Leader amended the usual delegation process for executive decisions by a [delegation signed on 23<sup>rd</sup> March 2020](#). This was reported to Council at its meeting in September 2020.

A further amendment to the delegation process for executive decisions was made by a [delegation signed on 13 August 2020](#).

All decisions made by the Leader during the period of this report are listed in **Appendix 5** hereto.

#### **4. Recommendation**

For Council to note the decisions made by the Executive, by various means, in accordance with the scheme of delegation included in the Council's Constitution.

## Appendix 1 –Social Services Portfolio Holder

<b>Date</b>	<b>Link to the Decision Record</b>	<b>Decision</b>
March 2021	<a href="#">19 March 2021 - record of an executive decision taken by the Portfolio Holder for Social Services [1437 kb   PDF]</a>	To approve the Council's Annual Equality Report 2019/20 for publication by 31 March 2021.

## Appendix 2 - Major Projects and Economic Development Portfolio Holder

Date	Link to the Decision Record	Decision
<p>March 2021 [Jointly with the Portfolio Holder for Finance – see Appendix 4]</p>	<p><a href="#">19 March 2021 - record of an executive decision taken by the Portfolio Holders for Finance and Economic Development [376 kb   PDF]</a></p>	<ol style="list-style-type: none"> <li>1. The Executive supports the proposal to enter into a Joint Venture with Welsh Government for the Gateway Site in order to draw down funding for the archaeological and site clearance work required to develop 6 serviced plots which will be sold to the private sector for further development.</li> <li>2. The Executive supports the proposal to enter into a Joint Venture with Welsh Government for Phase 2 of Penrhos Industrial Estate, to develop 7 industrial units for letting, and to approve the release of £150k from general balances or unused earmarked reserves as the Council’s match funding contribution. The JV to be absorbed into the previous JV for Phase 1.</li> <li>3. The authority to accept the JVs and to approve any conditions therein be delegated to the Head of Function (Resources) &amp; Section 151 Officer in consultation with the relevant Portfolio Holders and Interim Head of Service (Regulation and Economic Development) and the Head of Legal Services.</li> <li>4. To exclude call in of the decision due to the urgency required to secure the funding.</li> <li>5. To sign the legal agreements and draw down the funding by 31st March 2021.</li> <li>6. To ring-fence any income from sales from Gateway plots towards supporting and progressing future Economic Development priorities.</li> </ol>

### Appendix 3 – Highways, Property and Waste Management Portfolio Holder

Date	Link to the Decision Record	Decision
November 2020	<a href="#">Record of an Executive Decision Taken by the Portfolio Holder for Highways, Waste and Property Services – 20 November, 2020 [1392 kb   PDF]</a>	<p>To authorise the Head of Service (Highways, Property and Waste) to:</p> <ol style="list-style-type: none"> <li>1. Transfer the day to day responsibilities and expenditure of the Holyhead Hydrogen Hub project to Menter Môn for delivery (in accordance with the IACC Constitution);</li> <li>2. Approve the Service Level Agreement (or similar) between the IACC and Menter Môn to enable both organisations to work in partnership.</li> <li>3. Establish appropriate governance and monitoring arrangements to ensure the grant conditions are complied with fully.</li> </ol>
February 2021	<a href="#">Record of an executive decision taken by the portfolio holder for Highways, Waste and Property Services – 19 February 2021 [1182 kb   PDF]</a>	<p>To authorise the Head of Service (Highways, Property and Waste) to:</p> <ol style="list-style-type: none"> <li>1. Transfer the day to day responsibilities and expenditure of the Green Recovery Circular Economy Fund for delivery (in accordance with the IACC Constitution);</li> <li>2. Approve the Service Level Agreement (or similar) between the IACC and Menter Môn to enable both organisations to work in partnership.</li> <li>3. Establish appropriate governance and monitoring arrangements to ensure the grant conditions are complied with fully.</li> </ol>
March 2021	<a href="#">10 March 2021 - record of an executive decision taken by the Portfolio Holder for Highways, Waste and Property Services [444 kb   PDF]</a>	<p>The Council does not pursue the Compulsory Purchase Order (CPO) for the A5025 highway improvements and confirms this position with Welsh Ministers. The Welsh Minister therefore will issue a decision notice in which they refuse to confirm the CPO (and Side Road Orders (SRO)).</p> <p>The Collaboration Agreement and Indemnity Agreement is terminated by Horizon and funding held in Escrow Account is returned to Horizon (less IACC's liabilities) once the Welsh Ministers confirm that they refuse to confirm the CPO.</p>

## Appendix 4 – Finance Portfolio Holder

Date	Link to the Decision Record	Decision
<p>March 2021 [Jointly with the Portfolio Holder for Major Projects and Economic Development – see Appendix 2]</p>	<p><a href="#">19 March 2021 - record of an executive decision taken by the Portfolio Holders for Finance and Economic Development [376 kb   PDF]</a></p>	<ol style="list-style-type: none"> <li>1. The Executive supports the proposal to enter into a Joint Venture with Welsh Government for the Gateway Site in order to draw down funding for the archaeological and site clearance work required to develop 6 serviced plots which will be sold to the private sector for further development.</li> <li>2. The Executive supports the proposal to enter into a Joint Venture with Welsh Government for Phase 2 of Penrhos Industrial Estate, to develop 7 industrial units for letting, and to approve the release of £150k from general balances or unused earmarked reserves as the Council’s match funding contribution. The JV to be absorbed into the previous JV for Phase 1.</li> <li>3. The authority to accept the JVs and to approve any conditions therein be delegated to the Head of Function (Resources) &amp; Section 151 Officer in consultation with the relevant Portfolio Holders and Interim Head of Service (Regulation and Economic Development) and the Head of Legal Services.</li> <li>4. To exclude call in of the decision due to the urgency required to secure the funding.</li> <li>5. To sign the legal agreements and draw down the funding by 31st March 2021.</li> <li>6. To ring-fence any income from sales from Gateway plots towards supporting and progressing future Economic Development priorities.</li> </ol>

## Appendix 5 – Leader

Date	Link to the Decision Record	Decision
August 2020	<a href="#">Record of an Executive Decision Taken by the Leader - 13 August, 2020 [721 kb   PDF]</a>	The fees of all Leisure Direct Debit Members will be charged at the off peak rate of £19.50 owing to a phased reopening resulting in a reduced offer for our customers.
August 2020	<a href="#">Record of an Executive Decision Taken by the Leader - 21 August, 2020 [816 kb   PDF]</a>	<ul style="list-style-type: none"> <li>• That the Council agrees to enter into the Inter Authority Agreement (IAA) for the regional TTP Project along with the 5 other north Wales Local Authorities once the terms have been agreed;</li> <li>• That delegated authority be given to the Chief Executive (following consultation with Finance, HR and Legal as she may determine is appropriate) to agree the terms of the IAA and for it to be executed on behalf of the Council;</li> <li>• That, as the TTP Project must start in early September, this decision is an urgent one and should not be subject to call-in.</li> </ul>
April 2021	<a href="#">06 April 2021 - Record of an Executive Decision taken by The Leader [718 kb   PDF]</a>	<ol style="list-style-type: none"> <li>1. To release a specific sum of money from the Council's General Reserve to fund preliminary works regarding the defect;</li> <li>2. To authorise specified officers to undertake works to identify the reasons for the defect and to make arrangements for remedial works;</li> <li>3. To authorise specified officers to consider action to recover the full cost of repairs from any liable party.</li> </ol>