

Name of Committee:	Cabinet
Date of Meeting:	18/02/2019
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Use of the Managing Director's Emergency Powers
Purpose of Report:	To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 5th March, 2018
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	None required as the Constitution requires any Emergency Powers that are approved are reported to Cabinet 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 Cabinet of the exercising of Emergency Powers by the Managing Director since the last report of 5th March, 2018.</p> <p>The Council's Constitution at page 270 (delegated powers) states:</p> <p>"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:</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>	

1. Recommendation

- 1.1** That the use of the Managing Director's Emergency Powers be noted.

2. Reason for Recommendation

- 2.1** To inform Cabinet

3. Background

- 3.1** The Emergency Powers Procedure was approved by Minute No. 95, 2012/13.

4. Key Issues for Consideration

To note the following use of the Managing Directors Emergency Powers:

(a) Early Termination of the Work Programme Contract -

Authority to instruct the Head of Legal Services to facilitate such. JobFit had approached the Council to terminate the contract.

(Scrutiny Committee Environment and Regeneration)

(b) Flying Start Capital Grant 2017/18 -

Authority to increase the 2017/18 Capital Programme by £5,386.61 to be funded from Welsh Government Grant. This is additional funding to the Dechrau Dysgu site - when a survey was completed unforeseen drainage issues were identified and due to this the minimum quote received was £5,000 over the original £15,000 grant already approved from WG. The additional money means the work will be completed to the high standard required. This grant needed to be spent by 31st March, 2018.

(Healthy Living and Social Care)

(c) Amendments to the Capital Programme -

To increase the contract sum for the Civic Offices rewire project from £1,802,865 to £2,340,228.

To increase the Capital Programme by £95,377 to be funded £39,304 from a contribution from Revenue and £56,073 from the Miscellaneous Building Fund Reserve.

To vire £20,043 from the Nell's Point former toilet block scheme to the Civic Offices Rewire/Space Project reduced office accommodation scheme and carry this forward into the 2018/19 Capital Programme.

(Corporate Performance and Resources)

(d) Use of Reserves -

Authority to request the use of reserves to fund the gap between the existing budget and the new costs of processing co-mingled recycling estimated to be approximately £560,000 p.a.

(Environment and Regeneration)

(e) St. Brides Expansion -

Authority to request an increase in the Capital Programme by £73,000, £70,000 in 2017/18 and £3,000 in 2018/19 to be funded by a Revenue contribution from the school.

(Learning and Culture)

(f) Correction of Typographical Error

Authority to amend the Minutes of Cabinet of 28th March, 2018 (Min. No. C272) to correct a typographical error in the Cabinet Report relating to the proposed increase in fees for allotments. The increase in fees per pitch (25.3m²) for Barry / Rhoose was shown as £13.00 from the previous year's charge of £5.00, and increase of 160%. This is an error as the fees were proposed to be increased at these locations by 20%, therefore the figure for 2018/19 period should have read £6.00 and not £13.00.

(Environment and Regeneration)

(g) Transport Grant Awards 2018/19

Authority to accept the submissions and the Capital Funding (including S106) be added to the Capital Programme prior to the deadline of 30th April, 2018 in accordance with the terms and conditions of the Grant offer

(Corporate Performance and Resources)

(h) Payment to Welsh Government relating to 0.5 ha of land at Innovation Quarter - Request to amend 2018/19 Capital Programme

Authority to amend the 2018/19 Capital Programme to facilitate payment of the sum of £92,137.50 to the Welsh Government for 0.5 ha of Innovation Quarter land for the Waterfront school utilising capital receipts.

(Corporate Performance and Resources)

(i) Lougher Place Play Area

Authority to increase the 2017/18 Capital Programme by £2,131 (Technical Salaries) and the 2018/19 Capital Programme by £165,869 to be funded £126,000 Welsh Government Grant, £38,500 S106 monies and £3,500 contribution from the SAINT's charity in St. Athan.

(Healthy Living and Social Care)

(j) Ty Deri, Ysgol y Deri, Penarth - conversion of respite centre to classrooms

The total budget estimate of £555,000 for Phase 1 and 2 is still considered to be sufficient however, it was requested that the split between phases was amended to £350,000 in Phase 1 (2018/19) and £250,000 in Phase 2 (2019/20).

Due to the urgent requirement to increase the 2018/19 budget to allow the works to commence the use of Emergency Powers was requested to bring forward £45,000 from the 2019/20 to the 2018/19 Capital Programme, leaving the overall project budget unchanged.

(Learning and Culture)

(k) Flying Start Capital Grant 2018/19

Authority to increase the 2018/19 Capital Programme by £6,500 to be funded from Welsh Government Grant to undertake emergency work on the Family Centre after it was found that the roof timbers were rotted and required replacing to prevent further damage and leaking to the building.

(Healthy Living and Social Care)

(l) 2017/18 Capital Slippage Request

Approval for slippage on unspent Capital budgets for 2017/18 into 2018/19 in order to progress schemes and to enable the budgets to reflect committed expenditure.

(All)

(m) Co-Education Summer Works

To enable a contractor to be procured and the works carried out and completed by August 2018 for Whitmore High School and Pencoedtre High School to open as co-education schools.

(Learning and Culture)

(n) Numbering Cabinet Minutes 16th April, 2018 - 30th April, 2018

Duplicate minute numbers, minutes commence at C281 on 16th April and C281 on 30th April. To rectify this the minute numbers for 30th April only needed to be reassigned to read C281(a) - through to C295(a) in order to rectify the duplicate numbers

(Corporate Performance and Resources)

(o) CCTV Monitoring and Costs Associated with Essential I Comply Software Maintenance Package

In the absence of a delegated authority, Emergency Powers to authorise revenue expenditure of £2,265 to Bridgend CBC as a contribution to the Annual Maintenance contract for I Comply software.

(Homes and Safe Communities)

(p) St. Richard Gwyn Comprehensive Curtain Walling Replacement

Following a tendering process and an agreed bill of reduction, the lowest compliant tender to replace the curtain walling inclusive of all known associated costs was £125,460, leaving a shortfall of £22,460 on the currently available budget.

In order to progress this work the school had obtained additional capital funding via the Roman Catholic Diocese of Llandaff of £22,500 which would be paid to the Authority to meet the funding requirement of the project.

Due to the urgent requirement to increase the 2018/19 budget to allow the works to commence the use of Emergency Powers was requested to increase the St. Richard Gwyn Comprehensive, renewal of curtain walling budget by £22,500.

(Learning and Culture)

(q) Allocation of capital funds for lighting upgrade at Llanfair Primary School in 2018-19 financial year.

The request had been made to increase the carbon management fund scheme in the Capital Programme by £4,272.97 for carbon management works in 18/19 to be funded from the Llanfair Primary School revenue budget. Equipment for the lighting upgrade works at Llanfair Primary School would need to be ordered imminently in order that the works could take place during the upcoming school holidays.

(Corporate Performance and Resources)

(r) Grant Contributions for Glamorgan Voluntary Services and Citizens Advice Bureau for 2018/19

To approve grant allocations for Glamorgan Voluntary Services and Citizens Advice Bureau for 2018/19 fixed at the 2017/18 contribution rate.

(Corporate Performance and Resources)

(s) Cowbridge Comprehensive School, Block A - Replacement Boilers

Urgent requirement to procure boilers having been informed that they were on a 10-15 day delivery period upon receipt of an order and with the school requiring hot water for use in the kitchen to satisfy Health and Safety statutory requirements at the start of the new school term.

A quotation for the whole works had been submitted upon request by Burner Efficiency Services Ltd, and this sum including Property Management fees was in the sum of £38,594.30 + VAT. Due to the urgent requirement to enter into a contract to allow the works to commence the use of Emergency Powers was requested to allocate £39,000 of the education asset renewal contingency budget to Cowbridge Comprehensive, Block A boiler renewal. The contingency budget being £69,547. This transfer would reduce the contingency budget to £30,547.

(Learning and Culture)

(t) Town and Country Planning (General Permitted Development) Order 1995 (as amended) Direction Made Under Article 4(1) relating to County Treasures No. 771 (Colwinston Lower House Farm Slaughter House)

Authority to serve an Article 4 Direction to remove permitted development rights to ensure that proposals to demolish or carry out works to the County Treasure. This complied with the Council's statutory duties to preserve or enhance Conservation Areas with the Wellbeing of Future Generations Act.

(Environment and Regeneration)

(u) Flying Start Capital Grant

To request to accept the Capital Grant and add the £90,000 scheme to the 2018/19 Capital Programme to be funded by grant from Welsh Government.

(Healthy Living and Social Care)

(v) 2017/18 Capital Slippage Request for Building Strong Communities Fund

Authority to approve to slip the unspent £30,000 2017/18 capital budget for Building Strong Communities Fund Grants into the 2018/19 Capital Programme.

(All)

(w) Mayors Foundation Fund 2018/19

To release Mayor Foundation Grants in accordance with the report presented to Cabinet on 30th April, 2018 (Minute No. C290a). Due to the time taken to approve applications, it was requested that the Emergency Powers be used so to not further delay payments to the organisations involved.

(Corporate Performance and Resources)

(x) Solar Photovoltaic System at Cowbridge Leisure Centre

Authority to enter into an agreement with Legacy Leisure Ltd to repay the investment in a solar photovoltaic system at Cowbridge Leisure Centre funded through the Energy Commission Reinvestment Fund and to increase the 2018/19 capital fund allocation for the Cowbridge Leisure Centre roofing works by £91,105.

(Corporate Performance and Resources)

(y) Extension to the existing Court Road Car Park Security Contract

Authority to extend the contract with Consortio Security Ltd for security services at Court Road Multi Storey Car Park and other specified Barry Town car parks to the end of November 2018 at the current levy rate to ensure continuity in the safe operation of the car parks, limit the potential for anti-social behaviour within the car parks and provide a sense of security for the various users.

(Environment and Regeneration)

(z) Alps Garage Heating Upgrade

Authority to increase the Alps Garage Heating upgrade budget by £5,000 to be funded from the Facilities Revenue Budget increasing the overall project budget to £57,000 (£45,366 in 2017/18 and £11,634 in 2018/19)

(Corporate Performance and Resources)

(aa) Ty Deri, Ysgol y Deri, Penarth - conversion of Respite Centre to Classrooms

Authority to allocate a further £212,000 from the Miscellaneous Buildings Reserve to the 2018/19 Learning and Skills Capital Programme for Ty Deri and to bring forward the 2019/20 budget of £205,000 in to 2018/19 to give a total amended budget of £767,000 in 2018/19.

(Learning and Culture)

(ab) MCA Bathymetric Survey

Approval required so that an appropriate order could be raised with the MCA for the additional survey work up to £148,000.

(Environment and Regeneration)

(ac) Wales Coastal Monitoring Centre - MCA Bathymetric Survey

Authority requested for contract procedure rules to be waived to allow the survey to be procured directly through the MCA in December 2018, it being estimated that by doing so the survey costs are reduced by around £632,000.

(Environment and Regeneration)

(ad) Acceptance of Welsh Government Grant to undertake further studies on the feasibility of a road linking Junction 34 of the M4 with the A48 (amended WelTAG Stage 2 report)

Authority to accept the offer of the grant and appoint consultants to undertake and complete the work (amended WelTAG Stage 2 Report) by the end of March 2019.

(Environment and Regeneration)

(ae) Community Centre Works

In order to fund the re classified expenditure in revenue, it was requested to reduce the 2018/19 Capital Programme by £25k and fund the reserve expenditure from the Neighbourhood Services and Transport Reserve.

(Healthy Living and Social Care)

5. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 5.1 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.
- 5.2 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.
- 5.3 The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 5.4 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.
- 5.5 The importance of presenting the report to Cabinet is to ensure that transparency has taken place and to inform the Cabinet of the Emergency Powers that have been undertaken for the relevant reasons contained within the reports.

6. Resources and Legal Considerations

Financial

- 6.1** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

Employment

- 6.2** 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)

- 6.3** 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 the Cabinet or Council as appropriate.

7. Background Papers

Relevant Emergency Powers proformas.