

Meeting of:	Cabinet
Date of Meeting:	Monday, 09 September 2019
Relevant Scrutiny Committee:	All Scrutiny Committees
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 1 st July, 2019
Report Owner:	Rob Thomas, Managing Director
Responsible Officer:	Executive Leader and Cabinet Member for Performance and Resources
Elected Member and Officer Consultation:	None required as the Constitution requires that any Emergency Powers approved be 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 1st July, 2019.</p> <p>The Council's Constitution at page 270 (delegated powers) states:</p> <p>“MANAGING DIRECTOR OR, IN HIS ABSENCE, THE NOMINATED DEPUTY</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>(a) requires immediate action; and</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>	

Recommendation

1. That the use of the Managing Director's Emergency Powers be noted.

Reason for Recommendation

1. To inform Cabinet.

1. Background

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

2. Key Issues for Consideration

To note the following use of the Managing Director's Emergency Powers.

(a) Housing EWI Installation and Rendering Scheme

As there were no Cabinet meetings being held until September 2019, and following the completion of the tender process, delegated authority was required to enable the service to enter into a framework contract with Thomas CMS Holdings Ltd for the value of £711,410.90. This contractor provided the most economically viable tender when quality and cost were considered. In order to succeed in spending the Capital Budget for housing, this project needed to be commenced as soon as possible.

(Scrutiny – Homes and Safe Communities)

(b) Asbestos Works Framework

As there were no Cabinet meetings being held until September 2019, and following the completion of the tender process, delegated authority was required to enable the service to enter into a framework contract with:

- Lot 1 – Asbestos removal (Licensed and Non-licensed):
 - Omega Environmental Services Ltd
 - Severn Insulation Co Ltd
 - Woods Building Services Ltd;
- Lot 2 – Asbestos Survey (Management and R&D), including Analysis and Air Monitoring:
 - Environtech Ltd
 - MSS Group Ltd
 - Tersus Consultancy.

These contractors provided the most economically viable tender when quality and cost had been considered, and work will be systematically rotated to provide equal opportunity for all.

(c) Barry Leisure Centre – Refurbishment of Dry Side Changing Rooms

At the Cabinet meeting on 17th June, 2019 approval of funding for the refurbishment of the dry side changing rooms at Barry Leisure Centre was deferred pending additional information regarding the programme of these works. The contractor who recently completed the refurbishment of the Barry Leisure Centre wet side changing rooms has confirmed that they will be able to complete the dry side changing room refurbishment by the end of November 2019. The contract will be left in compliance with Contract Standing Orders. As the contractor already has a site established at Barry Leisure Centre this is considered the most economical solution.

Due to the urgent requirement to increase the 2019/20 budget to allow the works to commence, the use of Emergency Powers was requested to transfer £100,000 from the Building Fund to the Capital Programme to allow the refurbishment of the Barry Leisure Centre dry side changing rooms to proceed.

(Scrutiny – Healthy Living and Social Care)

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

- 3.1** 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.
- 3.2** 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.
- 3.3** The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 3.4** 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.
- 3.5** 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.

4. Resources and Legal Considerations

Financial

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

Employment

- 4.2** 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)

- 4.3** 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:

- (a) Requires immediate action; and
- (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

5. Background Papers

Relevant Emergency Powers proformas.