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| Meeting of:                              | <b>Cabinet</b>  |
| Date of Meeting:                         | <b>Monday, 01 July 2019</b>   |
| Relevant Scrutiny Committee:             | All Scrutiny Committees   |
| Report Title:                            | <b>Use of the Managing Director's Emergency Powers</b>  |
| Purpose of Report:                       | To notify Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 15 <sup>th</sup> April, 2019  |
| 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   |
| Executive Summary:                       | <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> |

## **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 Directors Emergency Powers.

### **(a) Gwenfo Primary School, Classroom Extension**

Following a tendering process the lowest compliant tender received inclusive of all known associated costs and sums already expended was £81,000. This left a shortfall of £6,000 on the current available budget.

In order to progress the works the school Governing Body had agreed to contribute £6,000 to the authority to meet the funding requirement of the project. This additional funding had been agreed by the Governing Body on the basis that if the final cost of the project, inclusive of all costs, was below £81,000 all remaining funds up to a maximum of £6,000 was to be returned to Gwenfo Primary School.

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 increase the Gwenfo Primary classroom extension budget by £6,000.

(Scrutiny - Learning and Culture)

### **(b) IQ Hood Road Goods Shed Project**

Approval of variation of agreement for lease and associated contractual debt of £184k Capital payment with Welsh Government.

(Scrutiny - Environment and Regeneration)

### **(c) New Contract with Suez Recycling and Recovery UK**

Approval was sought to commence a new contract with Suez Recycling and Recovery UK for a period of one (1) year commencing 1<sup>st</sup> May, 2019 with the option to extend for up to an additional one (1) year period.

The procurement for a new supplier to undertake the sorting, recovery and recycling of various commingled domestic and commercial dry waste materials was advertised on Sell2Wales which closed 3<sup>rd</sup> April, 2019 at 12.00 p.m. Once closed, all tender submissions were evaluated and the contract was awarded to Suez Recycling and Recovery UK (Suez).

Emergency powers were sought:

- To enter into an agreement with Suez for the processing of recycling material based on a basket price arrangement complete with a Waste Transfer Station.
- To agree the additional gate fee for the month of April 2019 only to allow continuity of service.
- That this will be retrospectively be reported to Cabinet including a waste update in respect of the service charges.
- (Scrutiny - Environment and Regeneration)

**(d) Vulnerable Persons Resettlement Scheme**

In May 2016 Cardiff Council and the Vale of Glamorgan Council agreed to participate in the resettlement of vulnerable Syrian refugees under the Vulnerable Persons Resettlement Scheme (VPRS) under a three year collaborative agreement. In May 2016 an Integration and Support Services contract was awarded to Taff Housing Association to provide resettlement support on a regional basis.

Both agreements were due to expire on 16<sup>th</sup> May, 2019. As a result of the change in Administration and the Cabinet meeting of 20<sup>th</sup> May, 2019 Emergency Powers were used to approve the recommendations set out in the Cabinet report to allow the timely implementation of the necessary agreements and the procurement of a regional support service.

(Scrutiny - Homes and Safe Communities)

**(e) Accepting grant funding of £161,200 from Welsh Government for Enable-Support for Independent Living 2019-20 into the Capital Programme**

As the Capital Programme report was not to be reported to Cabinet until July 2019, there was a requirement for this to be accepted onto the Capital Programme prior to July to enable projects to begin. Projects were currently awaiting funding to start on site and in order to be able to utilise funding they need to be approved with budget on the Capital Programme.

(Scrutiny - Environment and Regeneration)

**(f) Acceptance of Welsh Government Grant to fund a number of Transport Schemes in the 2019/20 financial year**

Welsh Government had offered the Vale of Glamorgan Council a total of £1,845,027 to undertake a number of transport schemes including WelTAG studies, safe routes in communities improvements, road safety revenue to continue training programmes, road safety capital to undertake road safety improvements and Active Travel funding. Due to the requirement to return the letter by 30<sup>th</sup> May, 2019 accepting the grant funding and the requirement to spend the money prior to the award of funding being reported to Cabinet, Emergency Powers were sought.

(Scrutiny - Environment and Regeneration)

### **(g) Design and Construction Direct Labour and Plant Contract 2019-21**

A Cabinet report was prepared in readiness of the Cabinet meeting scheduled for 20<sup>th</sup> May, 2019. However, due to the political situation within the Council the meeting was cancelled. It was critical that the contract be awarded, sealed and signed in readiness for 1<sup>st</sup> July 2019 which was when the existing contract, which was extended to this date expired.

(Scrutiny - Environment and Regeneration)

### **(h) Education Boiler Renewal Programme**

Approval was sought for the following virements in order to progress the projects:

- Vire £30,000 from Holton Primary Boiler renewal to Ysgol Gwaun y Nant boiler renewal to increase the budget to £115,000.
- Vire £20,000 from Holton Primary Boiler renewal to Jenner Park Primary Boiler renewal to increase the budget to £115,000.
- Vire £35,000 from Holton Primary Boiler renewal to St. Athan Primary Boiler renewal to increase the budget to £130,000.

Due to the urgent requirement to increase the 2019/20 budgets to allow the works to commence, the use of emergency powers was being requested to increase the budgets for the Boiler renewal projects at Ysgol Gwaun y Nant, Jenner Park Primary and St. Athan Primary through the virements detailed above.

(Scrutiny - Learning and Culture)

#### **(i) 2018/19 Capital Slippage Request**

Approval for slippage of unspent capital budgets for 2018/19 into 2019/20 would normally require Cabinet approval as part of the Closure of Accounts report. The report is scheduled to be presented to Cabinet on 1<sup>st</sup> July, 2019, however, in order to progress schemes and to enable budgets to reflect committed expenditure, approval was required as soon as possible.

It was requested that emergency powers be used to include funding to be carried forward from 2018/19 into the 2019/20 Capital Programme.

(Scrutiny - All)

## **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:
    - (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.