

Title: Use of Delegated Powers for Urgent Decisions

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Portfolio Holder: Multiple

Wards of the District directly affected: Multiple

Approvals required	Date	Name
Portfolio Holder		Multiple Portfolio Holders
Finance	14/06/23	Andrew Rollins
Legal Services		
Chief Executive	14/06/23	Chris Elliott
Director of Climate Change	14/06/23	Dave Barber
Head of Service(s)	14/06/23	Graham Leach David Elkington Philip Clarke Lisa Barker Steve Partner Marianne Rolfe
Section 151 Officer	14/06/23	Andrew Rollins
Monitoring Officer	14/06/23	Andrew Jones
Leadership Co-ordination Group		
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	Yes – Appendix 12 and Appendix 13	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes, Forward Plan item 1360 – scheduled for 5 July 2023	
Accessibility Checked?	Yes	

Summary

The report brings forward notification to the Cabinet of urgent decisions taken by the Chief Executive using delegated authority CE(4), in consultation with Group Leaders, between 8 March 2023 and 30 June 2023.

Recommendation

- (1) That the Cabinet notes the decisions taken by the Chief Executive under delegated Authority CE(4) as follows
 - (i) To extend the support contract for the Xpress Electoral Management System;
 - (ii) To accept the grant for the Pump Rooms, Royal Leamington Spa to the value of £2.3 Million to enable repairs to the roof;
 - (iii) To extend the support contract for the Better Points Sustainable Travel App;
 - (iv) To accept the additional costs associated with the Net Zero Carbon DPD consultancy;
 - (v) To accept the additional costs associated with the enabling works at Abbey Fields Leisure Centre;
 - (vi) To accept the additional costs associated with the Demolition Abbey Fields Leisure Centre.
 - (vii) To enact the emergency closure of the Upper Grove Street Car Park
 - (viii) To extend the ICT contract for the provision of Wide Area Network links.
 - (ix) To extend the support contract for the Council's Multifactor Authentication system.
 - (x) To extend the Bowls England National Championships Contract.
 - (xi) Wildfire Prevention – Fires in Public Spaces
 - (xii) Discharge of Restrictive Covenant – Confidential Appendix 12.
 - (xiii) Christine Ledger Square – Confidential Appendix 13.

1 Reasons for the Recommendation

1.1 Introduction

1.1.1 Ahead of Warwick District Council's Elections in May 2023, the Cabinet met for the last time on 8th March, 2023. Between this time and June 30th, 2023, several decisions were required that would normally have been matters for Cabinet.

1.1.2 Warwick District Council's Constitution provides the Chief Executive with delegated powers to take any such urgent decisions, after consultation with Group Leaders. The provision, CE(4) states:

Chief Executive (and in their absence their Deputies) shall have authority to:

deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if

available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Cabinet at its next meeting.

1.1.3 The decisions taken by the Chief Executive using this provision include:

- Those which were taken following the last Cabinet Meeting and up to the election;
- Those taken between the election and the formation of Cabinet; and
- Those which have been taken since Cabinet was formed, but before the initial meeting.

1.2 **Summary of Decisions Taken**

1.2.1 This section summarises the decisions taken by the Chief Executive using his delegated powers. Where appropriate, further details are provided within the appendices.

1.2.2 **Xpress Electoral Management System**

1.2.3 A decision was taken to extend the support contract for the Xpress Electoral Management System. Due to the value of the contract overall, Cabinet approval for a procurement exemption would normally have been required.

1.2.4 The original support contract was awarded in 2017 for a period of five years (£77,280). This was extended by inference in March 2022 for a further year, and again in March 2023, at a cost of £22,874.92 per annum. The Chief Executive approved a procurement exemption for the contract extension, which will now end on 31st March, 2024.

1.2.5 For further details see Appendix 1.

1.2.6 **Pump Rooms Grant**

1.2.7 Earlier in the year, a grant was sought from Arts Council England, as part of its Museum Estates & Development fund. The request was to support the replacement of the Pump Rooms roof and in March 2023 it was announced that WDC had been awarded £2,283,821 towards this project.

1.2.8 The Chief Executive formally accepted the grant offer, as required by Arts Council England.

1.2.9 For further details see Appendix 2.

1.2.10 **Better Points Sustainable Travel App**

1.2.11 A decision was taken to extend the service contract for the Better Points Sustainable Travel App. Due to the value of the contract overall, Cabinet approval for a procurement exemption would normally have been required.

1.2.12 The original service contract was extended in 2022 and set to expire on 7th August 2023. This was extended for a for a further period of nine months, to facilitate a procurement exercise being undertaken. The cost of the extension was £30,775. The Chief Executive approved a procurement exemption for the contract extension, which will now end on 7th May, 2024.

- 1.2.13 For further details see Appendix 3.
- 1.2.14 **Net Zero Carbon DPD Consultancy**
- 1.2.15 In August 2022, Cabinet received a report regarding the likely costs of consultancy to support the Net Zero Carbon DPD. It was estimated that costs of £105,000 would be incurred and a procurement exemption was agreed to enter a contract with Edgars Consultancy Ltd.
- 1.2.16 Having developed the proposals further and gained greater insight into the precise requirements, in April 2023 it was estimated that the revised engagement would cost up to £135,000. The Chief Executive approved a revised procurement exemption to cover the additional spend.
- 1.2.17 For further details see Appendix 4.
- 1.2.18 **Enabling Works at Abbey Fields Leisure Centre**
- 1.2.19 AR Demolition were appointed to facilitate enabling works for the Council's new Leisure Centres at Abbey Fields and Castle Farm. A fixed price contract of £556,456 was awarded, following Cabinet agreement to a procurement exemption.
- 1.2.20 Due to the extensive archaeological finds on the Abbey Fields site AR Demolition's works were significantly complicated. Unanticipated work was required to facilitate operations such as the disconnection of power, and the movement of equipment, cabins and fencing on site. The Chief Executive approved a revised procurement exemption to cover the additional costs of £150,000, taking the total contract value to £706,456.
- 1.2.21 For further details see Appendix 5.
- 1.2.22 **Demolition of Abbey Fields Leisure Centre**
- 1.2.23 AR Demolition were appointed to oversee the demolition of the Council's Leisure Centres at Abbey Fields and Castle Farm. A fixed cost of £258,000 was agreed for the demolition, but extensive archaeological finds on the Abbey Fields site significantly altered how the contractor was allowed to take down the building.
- 1.2.24 After extensive investigation by Historic England, discoveries across the footprint of the original building meant that the planned use of mechanical demolition equipment was no longer possible. Instead, manual methods were required to remove the remaining building. The Chief Executive approved a revised procurement exemption to cover the additional costs of £129,000, taking the total contract value to £388,000.
- 1.2.25 For further details see Appendix 6.
- 1.2.26 **Upper Grove Street Car Park**
- 1.2.27 As part of a planned condition survey of the Upper Grove Street Car Park, it was discovered that the primary structure of the car park could be at risk of collapse, due to corrosion of steel reinforcement bars embedded in the car park's concrete deck. The slab soffit was also severely affected, with spalled concrete exposing reinforcement bars, which showed signs of significant section loss.
- 1.2.28 The Chief Executive approved the closure of the car park as it posed an

immediate health and safety risk.

1.2.29 For further details see Appendix 7.

1.2.30 Renewal of Wide Area Network Contract

1.2.31 A decision was taken to extend the support contract for the Council's wide area network links and telephony services, provided by Daisy Communications. Due to the value of the contract overall, Cabinet approval for a procurement exemption would normally have been required.

1.2.32 The original support contract was awarded in 2018 for a period of three years. This was extended for a further period of two years in 2021 and was due for renewal in 2023. Due to the Council's temporary need for this infrastructure whilst relocating from Riverside House, a further one-year extension was requested. The Chief Executive approved a procurement exemption for the value of £110,000. Replacement links have already been procured for 2023/24 onwards.

1.2.33 For further details see Appendix 8.

1.2.34 Multifactor Authentication

1.2.35 A decision was taken to extend the support contract for the Council's multi-factor authentication system, provided by Bluefort Security. Due to the value of the contract overall, Cabinet approval for a procurement exemption would normally have been required.

1.2.36 The original support contract was awarded in 2019 for a period of three years and was extended in 2022. The solution was intended for replacement, but when it became clear that the Council's outgoing legacy infrastructure was not compatible with the replacement system, a further one-year extension was requested. The Chief Executive approved a procurement exemption for the value of £8,000. The system will be replaced following our move to Saltisford.

1.2.37 For further details see Appendix 9.

1.2.38 Bowls England National Championship Tournament

1.2.39 Warwick District Council and Bowls England Limited entered into an agreement on 15th November, 2013 for the relocation of the National Championships Tournament to Leamington Spa.

1.2.40 The Chief Executive used his delegated powers to extend the National Championship agreement by a further year, to facilitate the planning of the bowls tournaments. Negotiations on a new agreement to commence in autumn.

1.2.41 For further details see Appendix 10.

1.2.42 Wildfire Prevention – Fires in Public Spaces

1.2.43 May and June 2023 saw persistent dry weather across most of the UK and higher than average temperatures. This prolonged dry spell, whilst ideal for those visiting and enjoying the Council's parks and open spaces, significantly

increased the risk of wildfires. In particular, those started accidentally by discarded or poorly prepared ignition sources.

1.2.44 The Chief Executive used his delegated powers to support a ban on using disposable BBQs and campfires, across parks, green spaces, and nature reserves in the district. The ban would be enacted from Monday, 19th June 2023 and kept under review accordingly. This decision was taken due to urgent nature of the issue and the risk to patrons that a fire may cause.

1.2.45 For further details see Appendix 11.

1.2.46 **Discharge of Restrictive Covenant – Confidential**

1.2.47 Information regarding the Discharge of a Restrictive Covenant is contained within Confidential Appendix 12.

1.2.48 **Christine Ledger Square - Confidential**

1.2.49 Information regarding Christine Ledger Square is contained within Confidential Appendix 13.

2 Alternative Options

2.1 There are no alternatives options available to these decisions as the report is for Cabinet to note.

3 Legal Implications

3.1 Any legal implications relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

4 Financial Services

4.1 The decisions taken by the Chief Executive had the following financial implications:

- Xpress Electoral Management System - £22,874.92;
- Pump Rooms Grant - £2,283,821 (income);
- Better Points Sustainable Travel App - £30,775;
- Net Zero Carbon DPD Consultancy - £30,000 (additional spend);
- Enabling Works Abbey Fields - £150,000 (additional spend);
- Demolition Abbey Fields - £129,000 (additional spend);
- Renewal of Wide Area Network Contract - £110,000;
- Multifactor Authentication - £8,000; and
- Christine Ledger Square – Confidential Appendix 13.

5 Environmental/Climate Change Implications

5.1 Any Environmental or Climate Change implications relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

6 Analysis of the effects on Equality

6.1 Any equality implications relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

7 Data Protection

7.1 Any data protection implications relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

8 Health and Wellbeing

8.1 Any health and wellbeing implications relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

9 Risk Assessment

9.1 Any risk assessment details relating to any decisions made are detailed within the relevant appendix, as indicated in section 1.2.

10 Consultation

10.1 Consultation on all decisions was undertaken with the appropriate officers ahead of the Chief Executive consulting with the Group Leaders and in the case of the Grant for the Pump Rooms, also the Chair of the Overview & Scrutiny Committee.

11 Background papers:

11.1 There are no background papers for this report.

12 Supporting documents:

12.1 Warwick District Council Constitution - https://www.warwickdc.gov.uk/downloads/download/248/council_constitution-annex