

RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX241
2. Name/Title of Officer	Pranali Parikh Director for Growth and Regeneration
3. Email address of Officer	pparikh@melton.gov.uk
4. Title / Subject Matter:	Drainage works – Lake Terrace Waste Depot
5. Type of Decision:	Public
6. Key Decision?	Key
7. Decision Taken: 1. Approval to access the General Property Repair Fund to meet the unexpected repairs and maintenance needs as described below in accordance with the decision recommended by Cabinet to Council and approved on 24 February 2022.	
8. Reasons for Decision: The Environment Agency has directed that the repair works to the drainage must be undertaken without any delay and has authorised the programme of works which commences on 22 nd July 2022 and is scheduled to completed by 28 th October 2022 (potentially there may be delays to the programme which the EA will need to be informed of and an extension of time granted). The exception relates to the award of the contract for £122k via the Scape framework and the need to implement the works immediately to comply with the Environment Agency timetable as well as the need for up to £80k of additional funding (from the Council's General Property Repair Fund) which is required due to the unforeseen spend to date of £61k required to clear the blocked drains with tankers to allow CCTV surveys and professional fees, as well as contingencies required. The drainage repair works are urgent and need to be started immediately, due to the risk of the Environment Agency revoking the licence for the Biffa Waste Depot, rather than first notifying the forward plan of a key decision for the 28 days.	
9. Authority / Legal Power: See Legal section below	

10. Background Papers attached?	No				
11. Alternative options available / rejected: <ol style="list-style-type: none"> 1. Do Nothing. This option was rejected as the EA will otherwise revoke the licence for the Waste Depot if the drainage repairs are not carried out. 2. Implement a new drainage scheme. This was rejected as too costly at circa £350k and without any financial support from Biffa, the Waste depot site operator and also the lessee responsible for the drainage maintenance at the site, the Council rejected this option and instead is undertaking a scheme of works to repair the existing drainage at an approximate total cost of £200k including contingencies. The Council is also intent on serving an Interim Schedule of Dilapidations and Wants of Repair on Biffa in order to recoup its costs for the repairs. 					
12. Implications: <table border="1"> <tr> <td data-bbox="134 922 419 1182"> Legal </td><td data-bbox="419 922 1485 1182"> <p>The management of finance is an important responsibility of the Council and the measures outlined in this report provides assurance that effective control and management of risks associated with those investment decisions are in place.</p> <p>[Legal Approval – 26 July 2022]</p> </td></tr> <tr> <td data-bbox="134 1182 419 2069"> Finance </td><td data-bbox="419 1182 1485 2069"> <p>A new Property Repairs / investment fund was established as part of the 2022/23 budget process to provide greater resilience to deal with unexpected costs relating to the councils' property / assets.</p> <p>Previously, capital receipts would have been used but the council recognised it needed to bolster it reserves to meet future challenges and focus the use of capital receipts on innovation investment rather than just maintaining our asset, so set up the new reserve.</p> <p>The new reserve was established just for this sort of circumstance and in order to have flexibility and to be able to react quickly the Director for Growth and Regeneration has delegation to access the reserve in consultation with Director for Corporate Services (Section 151 officer).</p> <p>Based on the transfers into the reserve and allocated funding already in the 2022/23 capital programme there is sufficient funding to meet these costs.</p> <p>Due to the expedient nature of these works the council needs to forward fund this but we are looking to recover costs from the incumbent contract for support towards the works. Any money received will go back into this reserve to boost it for future use.</p> <p>[Finance Approval - 22 July 2022]</p> </td></tr> </table>		Legal	<p>The management of finance is an important responsibility of the Council and the measures outlined in this report provides assurance that effective control and management of risks associated with those investment decisions are in place.</p> <p>[Legal Approval – 26 July 2022]</p>	Finance	<p>A new Property Repairs / investment fund was established as part of the 2022/23 budget process to provide greater resilience to deal with unexpected costs relating to the councils' property / assets.</p> <p>Previously, capital receipts would have been used but the council recognised it needed to bolster it reserves to meet future challenges and focus the use of capital receipts on innovation investment rather than just maintaining our asset, so set up the new reserve.</p> <p>The new reserve was established just for this sort of circumstance and in order to have flexibility and to be able to react quickly the Director for Growth and Regeneration has delegation to access the reserve in consultation with Director for Corporate Services (Section 151 officer).</p> <p>Based on the transfers into the reserve and allocated funding already in the 2022/23 capital programme there is sufficient funding to meet these costs.</p> <p>Due to the expedient nature of these works the council needs to forward fund this but we are looking to recover costs from the incumbent contract for support towards the works. Any money received will go back into this reserve to boost it for future use.</p> <p>[Finance Approval - 22 July 2022]</p>
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	HR	Not applicable	
	Procurement	<p>Scape is a compliant route to the market and the Council must follow the framework providers instructions. This solution is essentially a Direct Award-only procurement process, and the Council must adhere to the prescribed suppliers who have been awarded places on the framework. There are different frameworks to complete different tasks including: consultancy; construction; and civil engineering, and the Council must satisfy itself that the award will be within the scope of the framework, Scape are very flexible on this though. If the Council is to use this framework, it must work with the Scape contract manager to confirm to whom and how the award is given. Scape is very flexible and sometime bring in 'partners' to facilitate the work so it is important to make sure any partner is approved before confirming the award. Due to the lack of time involved, the Council will need to satisfy itself that this is acceptable to the framework requirements, and making sure the Scape contract protects and safeguards the Council.</p> <p>[Procurement Approval - 21 July 2022]</p>	
13. Signature of Decision Maker with authority to sign	Email approval received Pranali Parikh Director for Growth and Regeneration		
14. Consultation with:	Email notification received Councillor Rob Bindloss Portfolio Holder for Growth and Prosperity		
15. Date:	9 August 2022		

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 All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk