

# Report

## Governance and Audit Committee

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### Part 1

**Date:** 26 January 2023

**Subject** **Waiving of Contract Standing Orders: Quarterly report reviewing Urgent decisions or Waiving Contract SOs (Quarter 3, October to December)**

**Purpose** To advise the Governance and Audit Committee of a decision taken in accordance with the Standing Orders, in consultation with the Chair of Planning Committee, to issue an Enforcement Notice and accompanying Stop Notice on land at Green Lane, Peterstone without being reported for decision to the Planning Committee.

**Author** Governance Team Leader

**Ward** General

**Summary** This report provides details of decisions on the use of Standing Order 22.4 (decisions taken urgently) or the Waiving of Contract Standing Orders for the above period.

In consideration of this report, Members are reminded that they are not questioning the merits of the decisions taken but are focussing on why decisions were taken as urgent or why contract standing orders needed to be waived.

**Proposal** **The Committee is asked to consider whether the reasons for the urgency/waiving of contract standing orders are properly reflected in the documentation supporting each decision. Members may wish to invite Cabinet Members to attend a meeting of the Committee should they consider this not to be the case.**

**Action by** Audit Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law & Regulation
- Head of Finance
- Chief Internal Auditor

## **Background**

Details of the decisions taken by Cabinet/Cabinet Members during the above period are set out in the table below, together with a commentary from the Chief Internal Auditor. Copies of the report giving rise to the decision are attached.

In this section you must set out all necessary information to allow Councillors to take an informed decision. You will need to put forward the case to support your proposals.

## **Financial Summary**

The cost implications of the decisions were set out in the original reports to the Cabinet Members. There are no cost implications of the Committee's consideration of this report.

## **Risks**

Scrutiny of these matters by the Committee is an important means of ensuring that the reasons for the urgency or waiving of Contract Standing Orders were properly addressed in the decision making process and that decisions are transparent.

## **Options Available / Preferred Option and Why**

The Committee is asked to consider whether the reasons for the urgency/waiving of contract standing orders are properly reflected in the documentation supporting each decision. Members may wish to invite Cabinet Members to attend a meeting of the Committee should they consider this not to be the case.

## **Comments of Chief Financial Officer**

See original reports attached.

## **Comments of Monitoring Officer**

See original reports attached.

## **Comments of Head of People, Policy and Transformation.**

See original reports attached.

## **Equalities Impact Assessment and the Equalities Act 2010**

See original reports attached.

## **Children and Families (Wales) Measure**

See original reports attached.

## **Wellbeing of Future Generations (Wales) Act 2015**

See original reports attached.

## **Consultation**

See original reports attached.

	<b>Subject</b>	<b>Decision &amp; Date</b>	<b>Reason for Urgency/Reason to waive Contract Standing Orders</b>	<b>Comments of Chief Internal Auditor</b>
1	Green Lane, Peterstone - Enforcement Notice and Stop Notice	14 December 2022	Unauthorised works were progressing on the site resulting in the land being stripped of topsoil to form bunds adjacent to protected reens and there was evidence of residential occupation on the site. The situation on site was fast moving and as the site is located within Flood Zone 3 of the Flood Maps for Planning (where residential use would not be allowed as matter of principle given the highly vulnerable nature of the use), this presented a risk to life and property in the event of a significant storm. Allied to this, the bunds were formed of loose material and are located within a Site of Special Scientific Interest (SSSI) (UK level designation) and adverse weather and rain could result in the bunds polluting the adjacent waterway that make up the SSSI. These threats were immediate and could have been exacerbated if further works were undertaken or the residential use intensified. It was therefore considered necessary to cease works immediately due to the location of the site in a SSSI (Site of Special Scientific Interest) and Flood Zone 3.	There is sufficient justification within this report to warrant the Urgent Decision taken. It may be beneficial to include a timeline of key events in future if similar decisions are taken.

## **Background Papers**

The following documentation is provided as background to the above decisions:

### **Cabinet Member for**

- Report attached as **Appendix A**

Dated: 28 December 2022