

URGENT DECISION MADE BY THE CHIEF EXECUTIVE ON BEHALF OF COUNCIL

COUNCIL PROCEDURE RULE 1.76

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The Constitution provides for Urgent Decisions taken outside of meetings. The definition of an Urgent Decision is set out in Council Procedure Rule 1.75, which states:

“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Chief Finance Officer has declared that an urgent decision is required to protect the interests of the Council.”

The Constitution provides that, if a decision would normally be required to be made by full Council and has to be decided before the next meeting of the Council, the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence the Chief Executive's nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- The decision-maker is satisfied the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting.
- The decision is reported for information to the next available meeting of the Council.
- The provisions of the legislation are complied with.
- Advice has been taken from the Chief Executive, Monitoring Officer and Chief Finance Officer.
- All members of the Council are notified of the decision taken by electronic means.

Public Sector Decarbonisation Scheme Grant

Phase 3b of the Public Sector Decarbonisation Scheme opened on 12th October 2022. Cheshire East has already received grant funding totalling £8.2 million for projects in phase 1, 2 and 3a of the scheme, with phases 1 and 2 complete within the set timescales and phase 3a underway and scheduled to finish within defined deadlines.

Government states, with regard to the scheme, "Reflecting the importance of the public sector's role in meeting the Government's commitment to Net Zero by 2050, the Net Zero Strategy and Heat and Buildings Strategy have confirmed that Phase 3 of the Public Sector Decarbonisation Scheme will receive £1.425 billion of funding over the period 2022/23 to 2024/25".

Purpose of the grant

In October 2022 the Council submitted a funding bid, in three lots, as identified below, to the Department for Business, Energy and Industrial Strategy for the Public Sector Decarbonisation Scheme to provide various low carbon solutions for the council estate:

Lot 1 – Heritage sites/crematoria

Lot 2 – Operational properties

Lot 3 - Schools

This scheme would see further Air Source Heat Pumps being installed across our schools and leisure centres alongside the upgrade of the building's insulation, some Building Controls upgrades and additionally solar PV schemes. It is also anticipated further decarbonisation scheme technologies will be installed at the Crewe Crematorium. These measures are estimated to reduce the carbon emissions by 1,580 tonnes of CO2 per year.

Cheshire East Grants:

£7,800,000

The Council must comply with the terms of the grant offer(s) and complete projects funded by the grant by 31/03/2025 to receive full grant funding. Cheshire East has a track record of achieving this for grants already received for phase 1 and 2, which have been completed; and is on track to deliver projects under phase 3a, which have all been administered under the same terms.

The grant will be managed by the Council's Facilities Management Team.

The reasons for urgency are as follows:

To formally accept the grant, an officer must be authorised to sign the offer agreement within 10 business days of receipt of the formal offer documentation. This documentation is appended to this decision.

This document must be signed and returned to SALIX acting for the Department for Business, Energy and Industrial Strategy by 16th March 2023, or the funding will be at risk.

Member Engagement

Very soon after the Council was notified of the grant offer, the Economy and Growth Committee member briefing on 3 March 2023 was briefed upon the receipt of the grant offer. The briefing meeting was advised that an urgent decision would need to be made under the provisions of the Constitution, on behalf of Council, to approve the acceptance of up to £7.8 million Public Sector Decarbonisation Scheme Grant from the Department for Business, Energy and Industrial Strategy (BEIS) for further decarbonisation of Council buildings and schools. Furthermore, the briefing meeting was advised that it would be proposed that the Committee should receive delegated powers to administer the grant.

The briefing meeting was content with the proposed course of action.

The first phase of the grant must be formally accepted by 16 March 2023 with others to follow shortly after. There is therefore no opportunity to secure the necessary Council approval to accept the grant and delegate powers to the committee, hence the proposed use of delegated powers.

In accordance with Council Procedure Rules, the Council's Mayor and political group leaders have been consulted on behalf of the Chief Executive on the proposed urgent decision. The Mayor and Group Leaders support the proposed use of urgency powers for the purposes in question. The Mayor is Councillor David Marren and the group leaders are Councillors Corcoran, Browne, Clowes and Williams.

Advice was taken from the following Officers:

- (1) Section S151 Officer (Director of Finance and Customer Services)
- (2) Deputy Monitoring Officer

Their comments have been taken into consideration in producing this decision form. This decision is subject to the relevant provisions of the Council's Constitution.

DECISION MADE UNDER URGENCY PROVISIONS PURSUANT TO RULE 1.76 OF THE COUNCIL PROCEDURE RULES

1. That:

- a. Three separate grants of up to £7.8 million be accepted from the Public Sector Decarbonisation Scheme from the Department for Business, Energy and Industrial Strategy (BEIS) for further decarbonisation of Council buildings, including schools, museum, leisure centres and Tatton Park.
- b. A supplementary capital estimate be made for the 2023-24 and 2024-25 Financial years, this to be funded from the Public Sector Decarbonisation Scheme Grants, which will be paid over two years.
- c. The Economy and Growth Committee authorise the Director of Growth and Enterprise and the Section 151 Officer to sign the grant offer agreements with Salix Finance on behalf of the Council and to take all necessary measures to administer, spend and distribute the grant.

- d. The Economy and Growth Committee authorise the Director of Growth and Enterprise to:
- i. take all necessary associated action to administer, spend and distribute the grant, including allocation of the grant monies in order to ensure the delivery of the necessary programmes of work, in line with the Council's financial and procurement rules and the conditions of grant; and
 - ii. to approve the delivery of the programme of work, in line with the conditions of grant, and the identification of local match-funding resources, and to obtain further approvals as required by the Council's financial procedure and procurement rules.

Signature of Chief Executive:

Signed:

A handwritten signature in black ink, appearing to read 'Lorraine O'Donnell', with a stylized flourish at the end.

Dr Lorraine O'Donnell
Chief Executive

Date: 8 March 2023