

NOTICE OF DECISION OF CABINET MEMBER

Pursuant to Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date decision taken
Lawrence Recycling fire – commitment of resources to assist in bringing the fire to an end	To authorise the Chief Executive to commit up to £50k towards a joint initiative to put out the fire, the funding to be allocated as a virement from the working balance	To enable the fire to be extinguished more quickly, as it continues to cause severe inconvenience for the business and residential premises nearest to the site of the fire.	15 July 2013

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 15 July 2013

Signed: 

Councillor:John-Paul Campion.....
Leader

To: Leader of the Council

From: Ian Miller, Chief Executive

13th July 2013

LAWRENCE RECYCLING FIRE – COMMITMENT OF RESOURCES TO ASSIST IN BRINGING THE FIRE TO AN END

1. PURPOSE OF REPORT

- 1.1 To agree to commit up to £50k of the Council's resources to a joint initiative with the County Council and other agencies to put out the fire.

2. RECOMMENDATION

- 2.1 To authorise the Chief Executive to commit up to £50k towards a joint initiative to put out the fire, the funding to be allocated as a virement from the working balance.**

3. KEY ISSUES

- 3.1 The fire at this recycling facility broke out at about 1720 on Sunday 16 June 2013. In common with other fires at recycling centres, the initial phase of intense burning involves emission of large quantities of smoke which can have severe impacts for those with health conditions etc. The decision taken by the multi-agency group on 25 June, to allow the fire to burn itself out as a controlled burn over several weeks, has meant that smoke continues to be emitted. Although the quantities are not as significant, it continues to cause severe inconvenience for the business and residential premises nearest to the site of the fire. For example, some local businesses have had to relocate staff elsewhere or send home workers whose health conditions are affected by the smoke. In the last week, the situation has been exacerbated by the hot weather accompanied by high pressure and low/negligible wind which means that the smoke does not disperse readily.
- 3.2 The results from air quality monitoring have so far not revealed any significant cause for concern. However Public Health England is concerned about the potential impact of long-term exposure to smoke, particularly among nearby businesses, and there is more general concern in the population about the potential impact on health.
- 3.3 A multi-agency meeting on 12 July has decided to extinguish the fire because of the ongoing impact on businesses and local residents. The latest advice is that, without action, the fire could burn for a few months. Because space on site is limited, some waste and recyclates that are not burning have to be removed from site and land-filled in order to allow the burning material to be moved from the unsafe buildings and extinguished in batches. Once extinguished, the burnt material will be left on site. The total estimated costs are £180k and agreement has been reached that they will be shared by the Environment Agency, Hereford and Worcester Fire and Rescue Service, the county council and WFDC. The estimate of costs will be confirmed on 15 July but, at present, the contribution from WFDC would be £20k.

- 3.4 The public sector has had to step in to deal with this matter because the company is unable to meet the costs at present. Steps will be taken in due course to seek to recover the public sector's expenditure on dealing with this matter.

4. FINANCIAL IMPLICATIONS

- 4.1 The Council has already committed £10k to undertake air quality monitoring – this will be charged to the relevant budget of the Director of Economic Prosperity and Place, with the overspend needing to be addressed by reducing other expenditure within the directorate during the remainder of 2013-14.
- 4.2 This report seeks authorisation for an allocation of up to a further £50k. It would be unreasonable to expect this to be absorbed within existing budgets for 2013-14. The incident involves the type of emergency or unforeseen expenditure that the Council's working balance exists to fund. Therefore the proposal is to allocate funding from the working balance.
- 4.3 If expenditure is committed, as proposed, it would involve use of the Cabinet's powers of virement under paragraph 6.7 of financial regulations – the amount is within the limit of £150k for 2013-14
- 4.4 An application has been made to DCLG for support under the Bellwin scheme in respect of expenditure incurred "to prevent suffering or severe inconvenience in their area or among its inhabitants". If this application were to be successful, grant would be paid at the rate of 85% for any expenditure above the council's threshold of £24,339. Thus there would remain some impact on the Council's financial position.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 There is no duty on Wyre Forest District Council to contribute to the costs of putting out the fire. The general power of competence in section 1 of the Localism Act 2011 authorises the council to undertake any action that is not specifically prohibited by statute and will be the authorising power for this expenditure.

6. RISK MANAGEMENT

- 6.1 Tackling the fire addresses the severe inconvenience being caused to local businesses and residents. The actions to extinguish the fire will be undertaken by the Fire and Rescue Service and specialist contractors using safe working practices.
- 6.2 The main risk relates to the impact on the Council's financial position. We continue to face significant further reductions in Government funding. Any allocation of resource from the working balance, which will have to be replenished in due course, adds to the pressures facing the Council in its actions to reduce expenditure.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Not relevant.

8. RECOMMENDATION

8.1 That you authorise me to commit up to £50k towards a joint initiative to put out the fire at Lawrence Recycling, the funding to be allocated as a virement from the working balance.

9. CONSULTEES

9.1 Corporate Management Team

10. BACKGROUND PAPERS

10.1 None.