

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 08 June 2023</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Use of the Chief Executive's Emergency Powers
Purpose of Report:	To notify Cabinet of the exercising of Emergency Powers by the Chief Executive since the last report on 27th April, 2023.
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Rob Thomas, Chief Executive
Elected Member and Officer Consultation:	None required as the Constitution requires that any Emergency Powers approved be reported to Cabinet for information.
Policy Framework:	This is a matter for Executive decision by Cabinet. All actions fall within Paragraph 1 of the Chief Executive's Delegated Powers set out on page 317 of the Council's Constitution.
<p>Executive Summary:</p> <p>To advise Cabinet of the exercising of Emergency Powers by the Chief Executive since the last report of 27th April, 2023.</p> <p>The Council's Constitution at page 318 (delegated powers) states:</p> <p>1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader(s), Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:</p> <p>(a) requires immediate action; and</p> <p>(b) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate."</p>	

## **Recommendation**

1. That the use of the Chief Executive's Emergency Powers be noted.

## **Reason for Recommendation**

1. To inform Cabinet.

## **1. Background**

- 1.1 The Emergency Powers Procedure was approved by Minute No. 95, 2012/13.

## **2. Key Issues for Consideration**

- 2.1 To note the following use of the Chief Executive's Emergency Powers since the last report of 27th April, 2023.

(a) Capitalise Capital Spend Coded to Revenue.

The scheme in relation to the replacement of boiler and radiators at 26 Newlands Street had been coded to revenue, however it was over £10k and was capital works/equipment and therefore needed to be added to the capital programme.

The use of Emergency Powers was sought to add the scheme above at a total cost of £15,844.34 to the 2022/23 Capital Programme to be funded by a contribution from revenue.

(Scrutiny – Corporate Performance & Resources)

(b) Llansannor Primary – Extension.

A scheme for the Llansannor Extension was in the 2022/23 Capital Programme with a budget of £27k and in the 2023/24 Capital Programme with a budget of £130k. A second scheme was also included in the 2023/24 Capital Programme for the Llansannor Primary WC Refurbishment scheme with a budget of £60k.

Following discussions, it had been agreed with the school that the toilet refurbishment was no longer required and it would be better to vire the budget under this scheme to the extension scheme to maximise the benefits from the extension.

The use of Emergency Powers was sought to merge the two schemes within the Capital Programme under the Llansannor Extension scheme to give a total budget of £217k over the two financial years, £27k in the 2022/23 Capital Programme and £190k in 2023/24 Capital Programme.

(Scrutiny – Learning and Culture )

(c) Additional Capitalised Spend on School Codes.

The following schemes had been coded to revenue however they were over £10k and were capital works/equipment and therefore needed to be added to the capital programme.

The scheme below was to be funded by a contribution from the schools revenue budget: -

- St Helen's Primary School – installation of fire pit shelter at a total cost of £12,045.

The scheme below would be funded from a central Education budget:-

- Ysgol Sant Curig – refurbishment of nursery mixed staff toilets at a total cost of £10,390.

The use of Emergency Powers was sought to add the above schemes totalling £22,435 to the 2022/23 Capital Programme.

(Scrutiny – Learning and Culture)

(d) Capital Funding Grant in Relation to Early Years and Childcare Capital Programme 2023/24 – Small Grants Scheme.

The Council had been awarded a grant for 2023/24 from Welsh Government for funding in relation to Early Years and Childcare Capital funding for Small Grants Scheme in the sum of £470k.

The funding related to capital expenditure on Small Grant Schemes during the period 1st April, 2023 to 31st March, 2024. The purpose of the funding was to support the delivery of the early Years and Childcare Capital Programme.

The use of Emergency Powers was sought to increase the Council's 2023/24 Capital Programme by £470k to be funded from Welsh Government Grant.

(Scrutiny – Learning and Culture)

(e) Capitalise Capital Spend Coded to Revenue.

The following schemes had been coded to the Corporate Resources and Policy revenue budgets however, they were over £10k and were capital works/equipment and therefore, needed to be added to the capital programme.

- Digital Upgrade of the Council Chamber – There was currently a budget of £25,200 on the 2022/23 Capital Programme. Expenditure for the scheme has totalled £57,848.00 and it was requested to increase the 2023/24 Capital Programme by £32,648.
- Supply and fit of fire doors to Committee Rooms at the Civic Offices at a total cost of £12,752.

- Solaris to Red hat Migration- costs in relation to the migration from the Solaris software package to a Red Hat totalling £24,938.

The use of Emergency Powers was sought to add the above schemes totalling £70,338 to the 2022/23 Capital Programme to be funded by a contribution from Corporate Resources and Policy revenue budget 2022/23.

(Scrutiny – Corporate Performance & Resources)

(f) Capitalise Capital Spend Coded to Revenue.

The following schemes had been coded to revenue however they were over £10k and are capital works/equipment and therefore needed to be added to the capital programme.

- Works to the steps at Nant Talwg totalling £17,788.
- Jenner Park – work was required in relation to drainage and lighting at a total cost of £16,067.
- Penarth High Level Glazing - tower scaffold erected. A scheme is already on the 2022/23 Capital Programme with a budget of £149,527. It is requested to increase this scheme by £11,265 which is the total costs of these works.

The use of Emergency Powers was sought to add the above schemes totalling £45,120 to the 2022/23 Capital Programme to be funded by a contribution from revenue.

(Scrutiny – Corporate Performance & Resources)

(g) Pencoedtre High School – Contract Increases.

This project was part of the transformation of English and Welsh Medium Secondary Education in Barry (Pencoedtre High School, Whitmore High School and Bro Morgannwg).

The Pencoedtre High School scheme was originally planned to be a refurbishment project. Welsh Government then announced changes to Programme intervention rates. The project was then changed to a new build which would be delivered at a cost of £30,642,121 following Cabinet approval 9th March 2020 (09/03/2020 Min C271).

It was then increased by a further £96,945 in the delegated authority for works associated with Ysgol Y Deri (July 2020), taking the new total to £30,739,066.

The proposal provided several other advantages including increased capacity from 1100 places to 1250 places, curriculum being enhanced through installation of sports facilities and creates some additional facilities to encourage community use.

The total cost of the scheme was £33.889m, £23.645m contribution from Welsh Government (65%) and £10.244m of Council funding (35%).

The use of Emergency Powers was sought to:-

- a. Increase contract value for Pencoedtre High school from £30,739,066.62 to £31,205,118.19.
- b. Note this would remain within proposed project budget of £33,889,000.

(Scrutiny – Learning and Culture )

(h) Tackling Food Insecurity Grant – Holton Primary.

The Vale Council had funding remaining from the Cost-of-Living Discretionary Funding which was awarded in 2021/22 and held in a reserve for spend during 2022/23. Following confirmation from Welsh Government that the funding could be carried forward to 2023/24, an award had been made to grant additional money to help tackle food insecurity at Holton Road Primary School.

The use of Emergency Powers was sought to increase the Council's 2023/24 Capital Programme by £14k which was to be funded from a revenue contribution to capital funded by the Welsh Government grant.

(Scrutiny – Environment and Regeneration)

(i) The POD (One Stop Shop).

This was an additional request to the Emergency Powers approved by Cabinet on 15th December, 2022 (Minute C167) in relation to the UK Government Shared Prosperity Fund (SPF) to deliver the internal and external commissioned projects.

The POD would act as a one stop shop open to all, would advertise itself as a walk-in support service for all things skills, employability and welfare. The POD would help people access support for a variety of needs or seek to signpost people to the correct services. As a multi partnership hub, other partners would be brought in to complement the offer of support, which may include CAB, housing support, money management services etc.

The use of Emergency Powers was sought for formal approval to enter into a legal leasing agreement for a Town Centre building to deliver a front facing pre-employment service called 'the POD'.

(Scrutiny – Corporate Performance and Resources and Learning and Culture)

(j) National Empty Homes Grant Scheme.

The National Empty Homes Grant Scheme was a Welsh Government initiative launched on 30th January, 2023. The primary aim of the scheme was to reduce the number of empty private sector homes and therefore increase housing supply.

The use of Emergency Powers was sought to delegate specified power to enable the Council to participate in the National Empty Homes Grant Scheme as soon as possible.

(Scrutiny – Environment and Regeneration)

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The use of the Chief Executive’s Emergency Powers is required on occasions when the urgency means that there is no time for the issue to be considered by the relevant Committee.
- 3.2** The purpose of presenting the report for information is to ensure that all Emergency Powers that have been approved are notified to Cabinet and / or Council as appropriate.
- 3.3** The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 3.4** The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and why these objectives have been chosen, how decisions are taken in line with these objectives and what difference these objectives have made.
- 3.5** The importance of presenting the report to Cabinet is to ensure that transparency has taken place and to inform the Cabinet of the Emergency Powers that have been undertaken for the relevant reasons contained within the reports.

### **4. Climate Change and Nature Implications**

- 4.1** There are no direct climate and nature implications associated with the report.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

#### **Employment**

- 5.2** The procedure requires that these be taken into account by the Committee / Departments originating the requests for the use of Emergency Powers.

#### **Legal (Including Equalities)**

- 5.3** The Council’s Constitution states:

1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

(a) Requires immediate action; and

(b) Does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate.

## **6. Background Papers**

Relevant Emergency Powers proformas.