

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 08 September 2022</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 23rd June, 2022.
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 23rd June, 2022.</p> <p>The Council's Constitution at page 317 (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> <p>* To take effect from 05th May, 2022.</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 23rd June, 2022.

(a) Country Parks as Social and Economic Connectors.

The Council had been awarded £115k in relation to Vale of Glamorgan – Country Parks as social and economic connectors. The funding related to the period 2022/23 and had to be claimed by the 31st March 2023.

The objective of the scheme was to achieve a secure and reliable bandwidth of up to 70-100mbps for the following sites: -

- Cosmeston Lakes Country Park
- Porthkerry Country Park
- Glamorgan Heritage Coast

The use of Emergency Powers was sought to include the scheme in the 2022/23 Capital Programme with a budget of £115k to be funded from a Welsh Government grant.

(Scrutiny – Corporate Performance and Resources)

(b) Capitalise Capital Spend Coded to Revenue.

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 use of Emergency Powers was sought to add the below schemes totalling £21,262 to the 2021/22 Capital Programme which were to be funded by a contribution from the existing 2021/22 revenue budget:-

- Works to Civic Offices Court Yard £11,000
- Central Promenade Café Roof, Barry Island initial repairs of £10,262, further works were planned which were already approved in the Capital Programme.

(Scrutiny – Corporate Performance and Resources)

(c) Housing Electrical Installations, Servicing, Installation, Maintenance and Repairs Framework 2022-25.

The Housing and Building Services Team requested emergency powers to accept the most advantageous tender bid received from Lightning Solutions Ltd. and enter into a framework contract as soon as possible to ensure any further price increases were not incurred due to the turbulent market.

The use of Emergency Powers was sought to:-

- Award the Housing Electrical Installations, Servicing, Installation, Maintenance and Repairs Framework 2022-25 contract to Lightning Solutions Ltd. at an estimated framework 3 years (plus 1) value of £550k.
- Delegate authority to the Director of Environment and Housing to accept the most advantageous tender bid and the Head of Legal Services to execute the JCT Intermediate Contract 2016 to deliver the scheme.

(Scrutiny – Homes and Safe Communities)

(d) Microsoft 365 Licensing E3 to E5 Ramp Offer.

Crown Commercial Services negotiated an agreement with Microsoft whereby Microsoft would offer a heavily discounted upgrade from 365 E3 licensing to 365 E5 licensing to government organisations for a limited time. This was because UK Government wanted Local Authorities and other Government organisations to improve their cyber security resilience and also wanted to support digital transformation in the public sector.

A report to Cabinet to brief Members in support of the request and set out the work underway to maximise the use of MS365 across the organisation was considered on 9<sup>th</sup> June, 2022.

The use of Emergency Powers was sought as the Council needed to invest in the service and its underlying technology, to enable the Council to meet new challenges following the pandemic, and to better support staff and service users with changes in demand and agile working in the new hybrid environment, including strengthening the Council's cyber security arrangements.

(Scrutiny – Corporate Performance and Resources)

(e) Permission was sought to engage the Council's appointed contractor Knights Brown to complete the phase 2 construction of the Waste Transfer Station located at Atlantic Trading Estate, Barry.

Due to the pandemic and the additional cost increases of completing the scheme, the construction was split into two phases as there was insufficient funding available. A previous emergency powers form was submitted for the completion of phase 1.

Phase 2 would see the construction of the green waste and residual waste barns for bulking. Completion of phase 2 would significantly decrease our vehicle movements and result in a reduction in our carbon footprint as we would no longer have to individually send each collection vehicle to Cardiff to discharge the waste rather than using one bulk container located at the Waste Transfer Station in Barry. This phase was previously delayed as a department did not have enough funding to complete the construction.

The use of Emergency Powers was sought to directly award Knights Brown the additional work as originally planned now that we have received the Welsh Government official grant award letter. This was time restricted as construction materials continued to increase and using the contractor who was appointed for the whole of the scheme would ensure that prices were locked in at the earliest opportunity.

Additionally, it was requested that the budget for the Waste Transfer Station in the 2022/23 Capital Programme be increased by £2.6m funded by the grant from Welsh Government.

(Scrutiny – Environment and Regeneration)

(f) Residential Homes Fire Doors.

£20,291 of the 2022/23 Social Services asset renewal budget was unallocated in the Capital Programme.

The use of Emergency Powers was sought to vire the unallocated budget to a new scheme called Residential Homes Fire Doors to carry out works to fire doors in the Council's four residential homes.

(Scrutiny – Healthy Living and Social Care)

(g) Schools Maintenance Capital Grant/Education Asset Renewal and All Schools Condition Survey - Urgent Works Arising Budget.

The Council had £2.041m of the Schools Maintenance Budget unallocated in the 2022/23 Capital Programme. The original grant sum was £2.276m and of the sum £235k had already been allocated to the Zero Carbon Llanfair Primary School scheme as part of the Final Capital Proposals 2022/23 report at Council on the 7th March 2022. The terms and conditions allowed that the funding be used in 2021/22 financial year for locally determined capital expenditure and the funding displaced by this grant would be spent in 2022/23 for investment in the improvement of schools in accordance with the grant terms and conditions. The equivalent funding released as a result of the displacement of the grant funding in 2021/22 had been put into a specific reserve at the end of the financial year and would fund the School's maintenance schemes in 2022/23 capital programme.

In order that schemes could start to progress, emergency powers were requested to allocate the schemes as per the 2022/23 Capital Programme.

(Scrutiny – Learning and Culture)

(h) St Nicholas Church in Wales Primary School – Increased Costs.

The St Nicholas Church in Wales Primary School Project is a redevelopment scheme to replace the existing school on the same site with a new school building and associated works.

In light of contract increases, the use of Emergency Powers was sought to increase the contract value for the Western Vale Primaries to £14,281,431. The increased contract value would be reflected in the professional services contract sum for St. Nicholas Church in Wales Primary School.

(Scrutiny – Learning and Culture)

(i) Transport Grants.

Active Travel

The Council had been awarded £1,032,255 grant from Welsh Government in relation to the Active Travel Fund 2022/23. The Funding related to the period 1st April, 2022 to 31st March, 2023.

Safer Routes in Communities

The Council had been awarded £327,900 grant from Welsh Government in relation to the Safe Routes in Communities grant 2022/23. The Funding related to the period 1st April, 2022 to 31st March, 2023.

Road Safety Capital

The Council had been awarded £3,000 grant from Welsh Government in relation to the Road Safety Capital grant 2022/23. The Funding relates to the period 1st April, 2022 to 31st March, 2023.

20mph Grant

The Council had been awarded £237,331 grant from Welsh Government in relation to the 20mph Capital grant 2022/23. The Funding relates to the period 1st April, 2022 to 31st March, 2023.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme for the grants listed above that are funded from Welsh Government.

(Scrutiny – Environment and Regeneration)

(j) Barry Railway Land.

Following the disposal of a section of land, originally purchased with 100% WDA Grant Aid, a payment was required to Welsh Government in settlement of their invoice. Please refer to the report submitted to Cabinet dated 28th February, 2022 (Cabinet Minute C862 (Part II) refers) para 4.4. of the report made reference to this arrangement.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by £616,452 to be funded from the capital receipt received from Transport for Wales, to facilitate the payment to Welsh Government.

(Scrutiny – Environment and Regeneration)

(k) Penarth Leisure Centre – High Level Glazing/Cladding & Roof.

A number of serious issues had been identified with the high-level glazing and cladding panels at high level on all elevations of Penarth leisure centre. The current cladding and fixings were failing, and some panels were hanging off to one elevation. Heras fencing had been erected in a number of locations around the building to ensure the safety of the public and staff.

In addition to the issues with the glazing/cladding, concerns had been identified with the flat roof with the existing waterproofing system in poor condition with an increasing risk of significant water ingress problems.

The use of Emergency Powers was sought so that the scheme could be committed as soon as possible due to the potential Health & Safety concerns with the cladding / glazing, and the potential for water ingress impacting upon the operation of the Leisure Centre.

(Scrutiny – Environment and Regeneration)

(l) Transformation Grant for Barry Library Makerspace.

The Council had been awarded £98,290.50 grant from Welsh Government in relation to the Transformation Grant 2022-2023. The funding related to the period 6th May, 2022 to 31st March, 2023.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme for the grant funded by Welsh Government in the sum of £98,290.50

(Scrutiny – Learning and Culture)

(m) Household Waste Recycling Centre Contract.

With regards the Council's procurement and award process and when reviewing the tender documents and records of evaluation, there were issues that could be challenged from the evaluation process and there could be certain respects in which the clarity of the tender documents could be improved.

The use of Emergency Powers was sought to rewind the existing process, extend the current contract with FCC for a period of up to 6 months and reissue a revised invitation to tender (ITT). The ITT would only be issued to the three suppliers that submitted bids in April 2022.

(Scrutiny – Environment and Regeneration)

(n) Ysgol Gymraeg Pen Y Garth Junior Department Flooring.

Ysgol Gymraeg Pen Y Garth were undertaking works to the flooring in the Junior department and the estimate of cost of works was £26,000. It had been noted that the school's reserves were £108,000 at 31st March, 2022. The works were expected to take place over the summer holidays.

The use of Emergency Powers was sought to include the new scheme in the 2022/23 Capital Programme with a budget of £26,000, to be funded by a revenue contribution from the school.

(Scrutiny – Learning and Culture)

(o) Big Bocs Bwyd Project.

The Council had received an award of funding from Welsh Government for £650,000 of which £551,081.11 would be allocated for Capital costs and £98,918.89 allocated for Revenue costs to support the establishment of 25 additional Big Bocs Bwyd projects.

The funding related to the period 1st March, 2022 to 31st March, 2023.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by the grant funded by Welsh Government in the sum of £551,081.11.

(Scrutiny – Learning and Culture)

(p) Hwb Programme.

Funding allocation for financial year 2022-2023 had been confirmed from Welsh Government's Education and Public Services Group for £488,000 to support the expenditure through the All Wales EdTech Commercial Service. The grant would be retained by Welsh Government; however, the Council could purchase goods up to that value through the catalogue via Caerphilly. The grant would be used to fund the purchase of equipment. The total request for equipment from school came to £559k, £488k was to be funded from the grant and £71k would be revenue contribution from the school's budget.

The use of Emergency Powers was sought to increase the 2022-23 Capital Programme by £559k to be funded from the £488k allocation from Welsh Government and £71k, revenue contribution from each school's budget.

(Scrutiny – Learning and Culture)

(q) 2021/22 Capital Slippage Request.

Approval for slippage of unspent capital budgets for 2021/22 into 2022/23 would normally require Cabinet approval as part of the Closure of Accounts report. In order to progress schemes and to enable the budgets to reflect committed expenditure approval was required as soon as possible.

The use of Emergency Powers was sought to include funding to be carried forward from 2021/22 into the 2022/23 Capital Programme.

A number of virements, where schemes had been slipped but then vired to a different scheme were also requested to be approved as part of the emergency powers request.

(Scrutiny – All Scrutiny Committees)

(r) Creation of Staff Posts to Coordinate and Support the Resettlement of Refugees and Asylum Seekers.

The situation regarding refugees and asylum seekers was changing rapidly and the number of households arriving in the Vale of Glamorgan was increasing significantly. This was putting pressure on existing services and the requirement to divert staff and resources into resettlement work was creating gaps and delays in delivering services.

The use of Emergency Powers was sought to replace two existing regional Resettlement posts, with Vale of Glamorgan specific posts to meet the growing workload involved with coordinating the resettlement of refugees and asylum seekers.

(Scrutiny – Homes and Safe Communities)

(s) Regional Collaboration in the UK Government’s Ukrainian Resettlement Pathways.

The Vale of Glamorgan Council had a wealth of experience in resettling refugees, across numerous refugee resettlement schemes, under both the former Vulnerable Persons Resettlement Scheme (VPRS) and the current UK Resettlement Scheme (UKRS) and was therefore well placed to participate in the Homes for Ukraine scheme in partnership with Cardiff Council.

The grant awards for the various sources of funding detailed in the request had not been finalised however there was a need to proceed with elements of the expenditure to support individuals placed in the Vale of Glamorgan. The Council would need to incur the expenditure to be finalised by the Council’s own resources and subsequently offset once grant award letters have been signed off.

The use of Emergency Powers was sought to authorise the Vale of Glamorgan Council to collaborate with Cardiff Council, under the proposed regional model, and to delegate authority to the Director of Environment and Housing Services; the Head of Housing and Building Services; and the Operational Manager - Accountancy to implement the following arrangements:

- I. Appointment of additional posts for Education (XI)
- II. Regional Funding Arrangements (XII)
- III. Regional Staffing Model (XIII)
- IV. Llamau interim support
- V. Cash Payment administration (IX)
- VI. Thank you Payments (X)
- VII. Staffing of Arrivals Hubs (VII)
- VIII. Acceptance of related grant funding

(Scrutiny – Environment and Regeneration)



(t) Award of Supported Local Bus Services 88 and B3 to New Adventure Travel Limited (trading as Adventure Travel) with Effect from 1st September, 2022 and Increase the Established Budget for Supported Local Bus Services.

Easyway Minibus Limited were initially successful in securing contracts to continue supplying the Council's supported local bus services 88 (Barry – Penarth / Mon-Sat daytime) and B3 (Barry Local / Mon-Sat daytime) with effect from 4th April, 2022 following an open tender of various services, including these, via Sell2Wales. However, since the award of contracts to Easyway for these services, the company Director had decided to wind the company up and had given the Council notice to prematurely end these contracts with effect from Wednesday 31st August, 2022 after service provision on this date.

The use of Emergency Powers was sought to commence the new contracts from Thursday 1st September, 2022 and terminate on Wednesday 31st March, 2027 (after operations) with the Council's option to further extend the term of the Contract on an annual basis up to a maximum of 10 years in agreement with the Contractor (i.e. up until Wednesday 31st March, 2032).

(Scrutiny – Environment and Regeneration)

(u) Cliff Tops Penarth – Partial Removal of Covenant.

It had been agreed for the Council to remove a covenant from Land at Penarth Clifftops so that the Council could lease a concession at the site for food and beverages.

The use of Emergency Powers was sought to include the scheme in the 2022/23 Capital Programme with a budget of £11,500 to be funded by a contribution from the Neighbourhood Services and Transport revenue budget.

(Scrutiny – Environment and Regeneration)

(v) Licence for Wenvoe Spartans Cricket Club to use Wenvoe Cricket Field (May-August).

A licence was required to claim a grant for a new protection net at the ground. The ECB would only provide grant assistance where a club's future was protected.

In addition, there was currently an approved budget of £10k for the scheme in the 2022/23 Capital Programme. The total cost of the cricket net was now £18k. Cricket Wales have agreed to fund £7k towards the purchase of the cricket net.

The use of Emergency Powers was sought to issue a 5-year licence with one renewal allowed and to increase the budget of the scheme by £8k in the 2022/23 Capital Programme to be funded from a £7k contribution from Cricket Wales and a £1k revenue contribution to capital from the Neighbourhood Services revenue budget.

(Scrutiny – Learning and Culture)

(w) Y Bont Faen - Suspended ceiling/new lighting/Peterston Super Ely Primary Suspended Ceiling Renewal Phase 1.

The approved budget in the 2022/23 Capital Programme for the Y Bont Faen - Suspended ceiling scheme was £100K. Tenders had been returned higher than anticipated and the total cost of the scheme was expected to be approximately £124K. The approved budget for the Peterston Super Ely Primary Suspended Ceiling Renewal scheme was £74K however works were anticipated to cost £50K

The use of Emergency Powers was sought to vire £24K from the Peterston Super Ely Primary Suspended Ceiling Renewal scheme to the Y Bont Faen - Suspended ceiling scheme in the 2022/23 Capital Programme.

(Scrutiny – Learning and Culture)

(x) Surrender and Regrant of Lease at Colcot Sports Centre as part of the Leisure Management Contract Extension.

The use of Emergency Powers was sought to authorise the Head of Legal and Democratic Services/Operational Manager for Legal Services to agree and execute a Surrender and Regrant of a Lease of land at Colcot Sports Centre to Parkwood Leisure Limited, the Council's Leisure Centre Management Contractor, in line with the negotiated and agreed Leisure Management Contract Extension pursuant to the Cabinet Resolutions resolved at its meeting on 21st June 2021 Cabinet (confirmed at 19th July Cabinet Meeting).

(Scrutiny – Environment and Regeneration)

(y) Penarth Pier Urgent Refurbishment.

The use of Emergency Powers was sought to add the amount £160,000 to the Council's Capital Programme for 2022/23 to be funded via the Council's Miscellaneous Buildings Reserve to undertake urgent refurbishment works to a broken sewer pipe located under Penarth Pier.

(Scrutiny – Environment and Regeneration)

(z) Local Places for Nature Funding 2022-23.

The Council had received an award of funding from Wales Council for Voluntary Action in the sum of £152,100 in relation to the following funds for works for the year 2022-2023.

Capital - £96,655 for development on `Nature on your doorstep`. Works would be undertaken to develop or improve biodiversity across the Vale of Glamorgan by developing new park land areas x 3, wildflower verges x 5, increase meadows on sloping land x 3, small scale woodland management x 3 and hedgerow restoration and planting x 3.

Capital - £55,445 for `Greening the public service estate`. Works would be undertaken to develop or improve biodiversity on the Public Service Estate by

developing community orchards x 3, community food growing spaces x 3, community meadows x 3 and the restoration of village and community ponds x 3.

The funding had to be spent by 31st March, 2023.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by the grant funding for £152,100.00 to be funded from the Local Place for Nature Capital Funding 2022-2023.

(Scrutiny – Environment and Regeneration)

(ai) Acceptance of Tender – Cowbridge Primary School and Centre for Learning and Wellbeing.

On 8th and 22nd March 2021, Cabinet approved the appointment of Morgan Sindall to undertake the proposed new build works for the Centre for Learning and Wellbeing (ref. C516) and Cowbridge Primary School (ref. C540) respectively.

The design and programme of works had now been finalised and each project had received planning consent and has started on site via Letter of Intents which covered the initial works of the programme. The Letter of Intents were issued on 19th May, 2022. The Letter of Intents ensured the final project costs for each scheme would be guaranteed and allow the contractor to start on site without any additional delay which would have incurred further costs.

The final costs for each project were submitted on 4th March, 2022 and were in line with the project cost included within the Council's capital programme. There were a number of checks and balances as part of the two stage framework including assessment of market rates via our multi-disciplinary partner, AECOM. The project costs for both schemes had been market tested in line with the Council's requirements.

The use of Emergency Powers was sought to accept the stage two tender from Morgan Sindall as both projects had been approved grant funding and the contracts could be executed.

(Scrutiny – Learning and Culture)

(bi) Increase Capital Programme 22-23 - Big Fresh Catering Company Motor Vehicle.

Fleet management had purchased a vehicle via the CCS framework on behalf of Big Fresh Catering company for the sum of £25k.

The vehicle was registered to the Council with the DVLA and was a Council Asset and therefore would need to be added to the Council's 2022/23 Capital Programme.

The vehicle would be leased to the Big Fresh Company over the expected life of the vehicle and would be added to the lease agreement that the Council currently had in place with the BFCC for other items of equipment and machinery.

The use of Emergency Powers was sought to increase the Council's 2022/23 Capital Programme by £25k to able to purchase the vehicle. This will be funded from the Catering Equipment Reserve.

(Scrutiny – Environment and Regeneration)

(ci) Ysgol Y Deri Additional Temporary Accommodation.

Since the implementation of the original temporary accommodation, Ysgol Y Deri had experienced a greater demand for pupil places than anticipated. It had been identified that an additional 2 classrooms were required to meet the shortfall for a 12-month period while the Band B project to expand the existing Ysgol Y Deri school provision by 150 places was implemented. The project was currently awaiting planning consent which was expected to be determined by early September 2022 with construction starting on site by November 2022 subject to the relevant consents and approvals.

The quote had been determined to be reasonable by AECOM, the Council's multi-disciplinary consultants, for a total cost of £125,029. This included installation of the classrooms and 12-months lease. The weekly lease cost would be £1,175 which would total £61,100 over 52 weeks. Additional one-off costs total £ 63,929 to cover delivery, installation, groundworks, and removal. This resulted in a total cost of £125,029. In addition to the above, £15k had been allocated to the scheme to cover internal costs associated with planning, SAB, ICT and other Council costs.

As the demountable was being leased for a short period of time, the associated lease costs were not considered capital expenditure and revenue funding had been identified. The total cost of £140,029 would be funded from the Education Pressures reserve as it related to a short-term lease.

The use of Emergency Powers was sought to accept the quote and authorise the Monitoring Officer / Head of Legal and Democratic Services to execute the Hire Contract so that the demountable can be ready for the September 2022 intake of pupils.

(Scrutiny – Learning and Culture)

(di) Capital Funding Allocation – Porthkerry Play Area 2022-23.

The Council had allocated Capital funding for the sum of £120,000.00 to improve the play area at Porthkerry Country Park for the year 2022-2023. The funding had to be spent by 31st March, 2023.

Due to increased cost pressures a further £45,000.00 was required to ensure that the project was sufficiently funded and able to progress and provide a suitable facility at Porthkerry Country Park.

The additional £45,000.00 would be funded from reserves held by the Director of Place.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by £45,000.00 and raise the budget allocation to £165,000.00 for 2022-2023.

(Scrutiny – Environment and Regeneration)

(ei) Access Improvement Grant 2022-23.

The Council had received an award of funding from Wales Government in the sum of £54k to fund the following works for the year 2022-2023. The funding had to be spent by 15th March, 2023.

The allocation of funding was split into three elements:

Capital – Footpath Technical Support Officer, this post would undertake surveys of the network, develop the ROWIP plan and assist with recording issues –

£20k.

Capital – St Andrews PROW S11/1 Dinas Powys footpath surface improvement. - £20k.

Network improvements to route furniture and signage (county wide) - £14k.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by the grant funding for £54k to be funded from Welsh Governments, Access Improvement Grant Capital Funding scheme 2022-2023.

(Scrutiny – Environment and Regeneration)

(fi) Arboricultural Stump Grinding Works Appointment.

Neighbourhood Services; Operations were seeking authority to appoint Countrywide Grounds Maintenance Ltd, JV Tree Services and ESA Treecare, as the three new agreed appointed contractors for the Arboricultural/Stump Grinding Works contract throughout the Vale of Glamorgan via the use of a framework agreement.

An advert was placed on Sell2Wales via the Council Procurement Officer which ended 24th November, 2021, and the bids received were evaluated on 12th January 2022. All bids were initially subjected to the Pre-Qualification.

The 'call off' contract would be for a period of 3 years with the option to extend for a further one year. The estimated value of the works to be procured each year was up to £250k. All work was to be funded from existing revenue and capital budgets and would fund planned and reactive work, including the work required following storm damage.

The use of Emergency Powers was sought to appoint Countrywide Grounds Maintenance Ltd, JV Tree Services and ESA Treecare, as the three new appointed contractors for the Arboricultural/Stump Grinding Works contractor throughout the Vale of Glamorgan.

(Scrutiny – Environment and Regeneration)

(gi) Land Acquisition Llandow replacement HWRC.

The Cabinet meeting held on 28th March, 2022 agreed the Recycling and Waste Management Business Strategy 2022 – 2032 and the development of the replacement of the Household Waste Recycling Centre (HWRC) at Llandow subject to sufficient funding being made available in the Council's capital programme.

Following a comprehensive and lengthy search undertaken by the Council's Estates Team, a site had now been identified for the HWRC on the Vale Business Park at Llandow. The site was 1.21 hectares (3 acres) in size which was considered sufficient for a new HWRC facility for Rural Vale residents.

Due to the level of interest that had been shown in the site, the managing agents representing the landowner had instructed the agent to invite "best bids" by Friday 12th August, 2022.

Therefore, use of Emergency Powers was to enable the Operational Manager (Property) to submit a bid of £440,000 on behalf of the service. Officers had sought external valuation advice from a firm of chartered surveyors who had confirmed that a maximum bid of £440k could be substantiated in valuation terms.

(Scrutiny – Environment and Regeneration)

(hi) Kymin Restoration Works.

The approved budget in the 2022/23 Capital Programme for the restoration works at the Kymin was £50k. Following internal discussions, it had been agreed that further works should be included in addition to the original proposal in relation to exterior restoration. Quotes had been returned and the total cost of the scheme was expected to be £72k.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by £22k which was to be funded from Council Building Fund.

(Scrutiny – Environment and Regeneration)

(ii) Bus Infrastructure Fund Financial Year 2022/23.

The Council had been awarded £500k grant from Welsh Government in relation to Bus Infrastructure Fund Financial Year 2022/23. The Funding related to the period 1st April, 2022 to 31st March, 2023 and had to be claimed in full by 30th April, 2023.

The purpose of the Bus Infrastructure Fund was to enable the Council to improve bus infrastructure to support strategic outcomes as outlined in the Programme for Government and Wales Transport Strategy. Specifically, the scheme purpose was to upgrade existing bus stops and replace old bus shelters – including electronic info displays. Funding was included for solar lighting.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by the grant funding for £500k to be funded from Welsh Government.

(Scrutiny – Environment and Regeneration)

(ji) Dinas Powys Property Flood Resilience (PFR) Project.

The Vale of Glamorgan Council had developed a flood risk management scheme for the installation of property flood resilience measures to 181 at risk properties in Dinas Powys. A funding allocation of £2,489k for the installation phase had been

confirmed within the Welsh Government Flood and Coastal Erosion Risk Management Programme 2022-23 and the scheme was anticipated to be 100% grant funded. A scheme business justification case had been completed and was currently under review by Welsh Government.

It was proposed that the Environment Agency (EA) National Property Flood Resilience Framework (NPFR) would be used to procure the supply and installation of PFR measures as well as the services of a managing agent with a total estimated £2,101k works. Project management of scheme delivery would be undertaken by the Engineering - Environment team.

It was not possible to obtain Cabinet approval following the normal protocol prior to commencing procurement through the EA NPFRF and still complete installation within the financial year 2022-23.

To further reduce the risk of programme delays it was therefore proposed to immediately commence procurement through the EA NPFRF based on the current WG funding allocation. Contract award would not be undertaken until funding confirmation was received from Welsh Government.

Given the above, it was requested that the Chief Executive use his urgency powers (emergency powers) to confirm approve to proceed with procurement of property flood resilience measures under the NPFR. The following delegated authority was also requested to ensure the prompt award and commencement of the contract to achieve the indicative programme as far as reasonably practicable subject to appropriate funding provision being confirmed by WG:

The use of Emergency Powers was therefore sought to:-

- Delegate authority to the Director of Environment and Housing in consultation with the Cabinet Member for Neighbourhood and Building Services, subject to appropriate funding provision from WG, to award the contract in accordance with the contract terms and agree all necessary variations to the final contract value.
- Delegate authority to the Monitoring Officer/Head of Legal and Democratic Service to draft and execute the contract for the award of the contract on behalf of the Council.

It was also requested to increase the Capital Programme by the grant award amount on receipt of the award letter from Welsh Government.

(Scrutiny – Environment and Regeneration)

(ki) ENABLE grant 2022 -2023.

The Council received an award of funding from Welsh Government in relation to the ENABLE Grant in May 2022. The funding letter was split into two elements, core, and uplift. The Council were not accepting the uplift at the current time, until the process of removal of means testing was agreed with the directorate.

The total Enable grant for 2022 was £201,500, £161k had been approved in the Council's Capital Programme 2022/2023.

The use of Emergency Powers was sought to increase the ENABLE scheme by the difference of £40k to be funded from the grant from Welsh Government.

(Scrutiny – Environment and Regeneration)

(li) Welsh Coast Path 2022-23.

The Council had received an award of funding from Welsh Government in the sum of £20K to fund the following works for the year 2022-2023. The funding had to be spent by 15th March, 2023.

The funding awarded covered 75% of the total project costs of £26K, the Council would contribute 25% of the costs (£6K), these costs would be met through the Countryside budget and costs would be offset against staff time.

The allocation of the grant funding was split into two elements:

1. Survey of the Coastal path from Ogmores - Llantwit Major April – September 2022 and would include clearance of the Wales Coastal Path within the Vale of Glamorgan.
2. Survey of the Coastal path from Llantwit Major – Penarth - September 2022 – March 2023 and would include clearance of the Wales Coastal Path within the Vale of Glamorgan.

The use of Emergency Powers was sought to increase the 2022/23 Capital Programme by the grant funding for £26K to be funded £20K from Welsh Governments, Coastal Access Improvement Plan 2022-2023 and £6K from the Countryside revenue budget.

(Scrutiny – Environment and Regeneration)

(mi) Barry Library Makerspace – Building Costs.

An Emergency Power was approved on 14th June, 2022 to increase the 2022/23 Capital Programme for the Transformation Grant for Barry Library Makerspace in the sum of £98k. For this scheme to proceed, certain building works were required to facilitate the Makerspace grant funded works in the sum of £65k.

The use of Emergency Powers was sought to increase the scheme Barry Library Makerspace in the 2022/23 Capital Programme by £65k, to be funded from the library reserve.

(Scrutiny – Learning and Culture)



(ni) Additional costs – Jenner Park Pitch.

There was an approved budget of £215k for the scheme in the 2022/23 Capital Programme. Due to additional work being required in relation to shock pads at the site, the total cost of the scheme was expected to rise to £249k, an increase of £34k.

The use of Emergency Powers was sought to increase the budget of this scheme by £34k to be funded from the Neighbourhood Services Community Centres & Leisure centres budget. The Neighbourhood Services Community Centres & Leisure budget was currently £100k on the approved Capital Programme 2022-2023 and it was requested to vire £34k from this to the Jenner Park Pitch scheme.

(Scrutiny – Environment and Regeneration)

(oi) Traffic Signal Maintenance Contract.

The Council originally awarded a contract to Centregreat Ltd on 1st April, 2014 following a competitive tendering process for the Maintenance of Traffic Signals and Pedestrian Crossings, Vehicle Activated Signs and Associated equipment. The contract was awarded under Officer Delegations in Section 25 of the Council's Constitution.

The contract included an option to extend the contract up to a maximum of three times subject to agreement between the Council and Contract. In August 2018 the then Cabinet Member for Neighbourhood Services subsequently gave delegated authority on 2nd August, 2018 to extend the contract by a further year to 31st March, 2019 in accordance with the conditions of the contract.

Further due to the ongoing Coronavirus pandemic in Spring 2020, Emergency Powers were granted on 18th May, 2020 to extend the contract with Centregreat Ltd again by an additional year to ensure continuity of maintenance services on the basis that Centregreat Ltd did not increase their rates and prices provided in the original contract awarded in April 2014.

To ensure essential continuity of service and enable payment of invoices, whilst the contract for this work was being re-tendered, it was necessary that the current contract with Centregreat Ltd be formally extended for a final time from beginning of April 2021 to the end of September 2022 to regularise the current position and enable time for the contract to be retendered with no breaks in the provision of this vital service.

The use of Emergency Powers was sought to approve a final temporary extension to the Maintenance of Traffic Signals and Pedestrian Crossings, Vehicle Activated Signs and Associated equipment Contract with Centregreat Ltd until the end of September 2022 to ensure continuity of service whilst arrangements were made to retender and implement a new contract arrangement for these vital maintenance works.

(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.