

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 17 July 2025</b>
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
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 01st May, 2025.
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	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 329 of the Council's Constitution.
<p><b>Executive Summary:</b></p> <p>To advise Cabinet of the exercising of Emergency Powers by the Chief Executive since the last report of 1st May, 2025.</p> <p>The Council's Constitution at page 329 (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 1st May, 2025.

(a) Land Acquisition from Llandough and Leckwith Memorial Hall.

Emergency powers were sought to progress the acquisition of land ownership to site the Leckwith and Llandough War Memorial Hall bus stop shelter, Penlan Road, Llandough.

The use of Emergency Powers was sought to finalise a land transfer for the new Leckwith and Llandough War Memorial Hall bus stop shelter, ensuring safer placement further back from the main road.

(Scrutiny – Environment and Regeneration)

(b) Llanfair Primary Roof Renewal.

There was a scheme in the 2024/25 Capital Programme for Llanfair Net Zero Carbon with a budget of £246k. The scheme was not able to proceed due to the condition of the existing building structure and the significant costs associated with making it net zero compliant. Therefore, it was proposed that the scheme be changed to Llanfair Primary Roof Renewal.

It was requested that the remainder of the scheme's budget be carried forward to the 2025/26 Capital Programme. There was currently £45k unallocated in the Decarbonisation scheme budget in the 2025/26 Capital Programme. It was requested to vire £35k of the budget to the Llanfair Scheme.

The use of Emergency Powers was sought:

- To rename the scheme to Llanfair Primary Roof Renewal and carry forward the scheme budget of £225k to the 2025/26 Capital Programme.
- To request virement of £35k from the unallocated decarbonisation budget of £45k in the 2025/26 Capital Programme to the scheme.
- To appoint the contractor in respect of the works.

(Scrutiny – Learning and Culture)

(c) Early Years and Childcare – Bumblebees and Cadoxton.

The schemes were in the 2024/25 Capital Programme with budgets of £350k for Bumblebees and £690k for Cadoxton. Variations had been agreed by Welsh Government to increase both budgets, £35k for Bumblebees and £45k for Cadoxton, funded by grant.

The use of Emergency Powers was sought to increase both budgets and carry forward the underspend from the 2024/25 Capital Programme.

(Scrutiny – Start Well)

(d) Eich Lle Programme.

The request for use of emergency powers related to decanting from the Dock Office and relocating the Place Directorate to the Civic Offices, with associated works to enable these works to progress including:-

- Temporary relocation of Social Services staff from basement to floor one of the Dock Office, improving working conditions and enabling a saving on NNDR.
- Upgrade of the Cosmeston Room to create an 'in person' conferencing facility with furniture appropriate for flexible uses accommodating up to 80 people and upgrades to the Porthkerry Room.

The use of Emergency Powers was sought to enable the next phase of the Council's office accommodation project, Eich Lle, to progress.

(Scrutiny – Corporate Performance and Resources)

(e) Pilot of Additional Concessions at Barry Island Resort and New Mobile Concessions at Various Parks in the Vale.

The request related to the opportunity to market new mobile concession opportunities for hot and cold food and drink, bike hire; recreational activity centre; and/or small-scale retail that was applicable to the surrounding area. Those would be on a 1-year trial period with two additional one-year extensions basis, at a number of parks, identified by the Reshaping Assets board.

The use of Emergency Powers was sought to allow the timely advertising and letting of a number of concession opportunities that had been identified for the 2025 summer season.

(Scrutiny – Environment and Regeneration)

(f) Penarth Library – First Floor Refurbishment.

The Council had been awarded a grant from Welsh Government for funding to renovate the upstairs library space, creating a local history and study space supporting

the users of the library, modernising the facilities, and celebrating the heritage and local history collections at the library in the sum of £78k.

The use of Emergency Powers was sought to include a new scheme for the first-floor refurbishment at Penarth Library.

(Scrutiny – Live Well)

(g) Stage 2 of Contract to Proceed with Ysgol Llyn Derw and Increased Costs.

ISG Construction were successfully appointed to deliver Ysgol Llyn Derw (formally known as Ysgol Y Deri Expansion), which started on site in April 2024. It was announced that ISG Construction filled administration on 25th September, 2024. Following approval of the Emergency Powers from 24th October, 2024, Morgan Sindall were appointed to deliver the Ysgol Llyn Derw scheme. The Post service contract and the enabling package would conclude middle of May, with package totalling £1,435,612.16.

The use of Emergency Powers was sought to proceed to Stage 2 of the contract with Morgan Sindall and increase of project and programme costs by a further £693k.

(Scrutiny – Start Well)

(h) Regional Transport Plan.

Agreement was sought to respond to the Regional Transport Plan consultation conducted by the Cardiff Capital Region with public consultation ending on 19th May, 2025.

The use of Emergency Powers was sought to respond to the Regional Transport Plan consultation as conducted by the Cardiff Capital Region.

(Scrutiny – Place)

(i) Bid for Commercial Property.

The use of Emergency Powers was sought to provide authority to bid for and negotiate on an urgent opportunity as set out in an associated Part II Emergency Powers form submitted alongside the Part I submission.

(Scrutiny – Resources)

(j) Access Improvement Grant 2025 – 2027.

The Council had received an award of funding from Wales Government in the sum of £126,000 to fund works for the years 2025-2027. The funding had to be spent by end of March 2027.

The use of Emergency Powers was sought to include the grant in the 2025/26 and 2026/27 Capital Programme as indicated in the table below:-

Scheme	2025/26	2026/27	Total
Access Improvement Grant	63,000	63,000	126,000

(Scrutiny – Place)

(k) Welsh Government Brilliant Basics Fund 2025 /2026 – Toilet Refurbishment at Two Country Park Destinations.

The Council had been awarded £300k by Welsh Government for toilet refurbishments at Porthkerry and Cosmeston Country Parks. The total cost of the project was £375k. There was a scheme in the 2025/26 Capital Programme for Country Park toilets in the sum of £113k.

The use of Emergency Powers was sought to vire the budget to the new scheme for Brilliant Basics Country Parks’ toilet refurbishment, and to include the grant of £300k on the capital programme to give a new budget of £413k.

(Scrutiny – Place)

(l) Capitalise Spend on School Codes.

Following a review of revenue expenditure at year end, 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.

The use of Emergency Powers was sought to add the below schemes totalling £365,442.18 to the 2024/25 Capital Programme, funded from revenue contribution from the school:

Scheme	Budget
All Saints Primary School Play Shelter	£14,988.91
St David’s CIW Playground	£58,019.53
Holton Primary Nursery Refurbishment	£23,120.54
St Richard Gwyn Outdoor Gym	£14,392.77
Llangan Primary Outdoor Learning Provision	£12,471.07
Evenlode Primary School Outdoor Learning Provision	£16,742.59
All Saints Primary School Outdoor Learning Area	£10,685.55
South Point Outdoor Learning Provision	£18,300.00

Whitmore Canteen Refurbishment	£72,554.12
Whitmore Drama - Air Conditioning	£15,277.51
Whitmore DT Equipment	£30,102.90
Whitmore Gym Refurbishment	£68,686.69
Bro Morgannwg High School Pods	£10,100
Total	£365,442.18

(Scrutiny – Start Well)

(m) National Resource Wales Funding – Improvement and Realignment of the Wales Coast Path – 2025/26.

The Council had received an award of funding from Natural Resources Wales in the sum of £28k to fund works for the year 2025-2026.

The use of Emergency Powers was sought to increase the 2024/25 Capital Programme as follows:

Scheme	Budget
St Donats surfacing of the recent rollback	15,000
Summerhouse Bay rollback	13,000
Total	28,000

(Scrutiny – Place)

(n) Inclusion of the Welsh Government Transport Grants in the 2025/26 Capital Programme.

A total of £3,346,213 has been granted in respect of Transport Grants as identified below:

Scheme	£
Active Travel	976,000
Road Safety Capital	177,497
Safe Routes in Communities	242,716

Local Transport Fund	500,000
20MPH	1,450,000
Total	3,346,213

The use of Emergency Powers was sought to include those grants and increase the 2025/26 Capital programme.

(Scrutiny – Place)

(o) Utilities Purchasing 2026/27 Onwards on Laser Framework.

In January 2025, emergency powers were agreed giving notice of the intention to change energy framework providers in April 2026, following a comprehensive review carried out by Welsh Government Commercial Procurement Utilities (CPU) and a working group of Local Authorities in Wales, of the Council's energy providers.

The use of Emergency Powers was sought to proceed with the preferred option which would provide more cost-effectively by Laser and would enable the Council's Decarbonisation and Energy team to focus on decarbonisation activity, focusing on Scope 1 emissions by delivering renewable energy projects, support energy efficiency and behaviour change projects across the Council's estate.

(Scrutiny – Resources)

(p) Local Places for Nature Funding 2025-2027.

Through the Vale Nature Partnership, the Council had received an indicative allocation of funding from Wales Council for Voluntary Action across two financial years 25/26 and 26/27 as indicated in the table below.

	2025/26	2026/27
	£	£
Capital	276,678.86	276,678.86
Flexible Capital	59,288.33	59,288.33
<b>Total Capital</b>	<b>335,967.19</b>	<b>335,967.19</b>
Revenue	66,000.00	66,000.00
Biodiversity	48,000.00	48,000.00
<b>Total</b>	<b>449,967.19</b>	<b>449,967.19</b>

The use of Emergency Powers was sought to include the scheme for the Local Places for Nature Funding 2025 – 2027 in the 2025 to 2027 Capital Programme with a budget of £335,967.19 in each year. As this inclusion was based on an indicative allocation rather than a funding letter, the Council proceeded at risk and if the funding letter were not received any spend would be covered by the service's revenue budget.

(Scrutiny – Place)

(q) MRI Education Cloud Proposal.

The use of Emergency Powers was sought to grant authority to progress with the award of a contract for the Council's Education MRI software for a period of 3 years, 10 months (1st June, 2025 to 31st March, 2029). Further details were provided as part of an accompanying Part II report.

(Scrutiny – Start Well)

(r) Operating Without Registration Placement – Child A.

The use of Emergency Powers was sought to agree the use of an unregistered placement for a child.

(Scrutiny – Live Well)

(s) Contract Sum Uplift – J.G Hale Construction Ltd for the new development at Close Holm View, Barry, CF62.

J.G Hale Construction Ltd were appointed on 31st March, 2023 to complete the construction of 31no. new Council houses and apartments at Close Holm View, Barry, CF62 9AX. The original value of the contract was £6,532,221.86 with a start on site being achieved on 5th June, 2023 and a Practical Completion target date of 5th August, 2024.

Additional costs had been incurred, that were either as a result of delays to the original construction programme, the Councils' instructions or, in undertaking additional unforeseen works. Housing and Building Services' Accountant was advised of the overspend in relation to the scheme and confirmed that the Housing Development Budget within the Capital Programme 2025/26 could absorb the additional cost.

The use of Emergency Powers was sought to increase J.G Hale Construction Ltd.'s contract sum to £6,794,461.00.

(Scrutiny – Place)

(t) Hwb Programme.

Funding allocation for financial year 2025-2026 had been confirmed from Welsh Government for £591k to support the expenditure through the All-Wales EdTech Commercial Service. The total request for equipment from all schools came to £636k,



£591k was to be funded from the grant and £45k would be revenue contribution from schools' budget.

The use of Emergency Powers was sought to add the grant to the 2025/26 Capital Programme.

(Scrutiny – Resources)

(u) Rectory Farm, Llanmihangel – Roof Repairs.

Following break-ins at Rectory Farm, damage had been caused to the property's roof. As this was a leased property, there was an obligation under the lease to keep the property in repair.

The use of Emergency Powers was sought to include the scheme in the 2025/26 Capital Programme with a budget of £17k to enable those urgent works to be undertaken to prevent any further damage from water ingress.

(Scrutiny – Resources)

(v) 2024/25 Capital Slippage Request.

Approval for slippage of unspent capital budgets for 2024/25 into 2025/26 would normally require Cabinet approval as part of the Closure of Accounts report, however 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 2024/25 into the 2025/26 Capital Programme totalling £14.330M.

(Scrutiny – Resources)

### **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.