

## Report of the Chief Executive

**Chief Executive Urgency Powers**1. Purpose of Report

To update Cabinet on the use of the Chief Executive's Urgency Powers.

2. Recommendation

**Cabinet is asked to NOTE the exercise of the Chief Executive's Urgency Powers for the approval of budget for the procurement of the Firewall replacement; directly awarded to NG Security UK and fully contained within the existing capital budget.**

3. Detail

A firewall is the first line of defence protecting the Council from external cyber-attacks. ICT Services replace the firewall solution every five years as part of the ongoing replacement and development programme. This approach reduces the risk of performance issues, hardware failures, and ensures the latest cyber security technology is adopted to protect the Council's information assets.

As a result of vacancies and difficulties in recruitment, ICT Services were unable to prioritise the replacement of the firewall in the first half of this financial year. The firewall replacement must take place in quarter 3 in order to avoid paying another £30k in maintenance for a product that is now presenting with a number of performance issues.

To ensure value for money, ICT Services reached out to three known suppliers, and requested proposals to include leading firewall technologies. All proposals received were compared against quality and pricing to identify the most appropriate solution. NG Security UK met all requirements and was able to demonstrate value for money.

Urgency powers were necessary in order to directly award the contract to NG Security UK, due to the time necessary to complete the research and negotiations and the time limit placed on the offer by the supplier it was not possible to address this matter through the normal reporting arrangements. The Chief Executive has consulted with the Leader, Deputy Leader and Leader of the Opposition.

4. Key Decision

Not applicable.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Head of Finance were as follows:

The approved Capital Programme for 2024/25 includes a budget for ICT Technical Infrastructure Architecture at £441,000 (including unspent budget brought forward from 2023/24). The total value of this firewall replacement contract over a five-year period will be £149,400, which can be accommodated within the existing Capital Programme.

7. Legal Implications

The comments from the Monitoring Officer/Head of Legal Services were as follows:

The Council has the power to enter into the proposed contract arrangement under section 1 of the Localism Act 2011 (the “General Power of Competence”). The General Power of Competence states that a local authority may do anything a person can do so long as it is not specifically prohibited (under that Act or other legislation not prohibited). A local authority may exercise the General Power of Competence for its own purpose, for a commercial purpose or for the benefit of others.

Chapter 2 Part 1 paragraph 24.1 of the Council Procedure Rules in the Council’s Constitution states:

In consultation with the Leader of the Council and where possible the Leader of the opposition, the Chief Executive has the power to authorise the taking or carrying out of action, notwithstanding anything in the Council’s Procedure Rules, Financial Regulations all other delegations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Council as appropriate.

Legal Services has reviewed and advised on the content of the Contract.

8. Human Resources Implications

Not applicable

9. Union Comments

Not applicable

10. Climate Change Implications

Not applicable

11. Data Protection Compliance Implications

This report does not contain OFFICIAL(SENSITIVE) information. There are no data protection implications.

12. Equality Impact Assessment

As this is not a change to policy or a new policy an equality impact assessment is not included.

13. Background Papers

Nil.