

## Law & Governance

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Date: 15 June 2020

Dear Councillor Gant, Chair of Scrutiny Committee,

I am writing to you to record the reasons for and process surrounding the taking of an urgent key decision which had not been notified on the Forward Plan.

The Government made available a Discretionary Grant scheme with a value of £1.265m to Oxford City. It was considered that the grant scheme must be delivered to serve the interests of local business and workers. The scheme was to be launched on 01 June 2020 in line with other Oxfordshire Local Authorities' timescales for launch.

In the absence of an opportunity for the Cabinet to make the necessary decision to approve the scheme, this decision was taken by the Chief Executive on 27 May 2020 using the urgency powers delegated to him in Part 9.3(b) of the Constitution:

### 9.3 Role of Head of Paid Service

...  
(b)

The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

...

The Council's constitution (Part 15.17) requires the Chair of Scrutiny Committee, or if there is no Chair, the Lord Mayor, to agree with the taking of an urgent decision where that decision has been notified on the Forward Plan for less than 5 clear days. At the time of this decision Scrutiny Committee had not met to elect a chair for the new Council year. The Lord Mayor was consulted and he agreed with the urgency and to waive call in.

Part 15.17 of the Constitution further requires the Head of Law and Governance to write to the chair of the Scrutiny Committee (or each member of the committee if there is no chair) before a decision is taken that has not been notified on the Forward Plan. I apologise that this did not take place due to the timing and urgent nature of the decision which was taken while I was on leave. I am writing to you retrospectively to apologise and explain the circumstances.

### 15.17 Urgent key decisions

If a key decision has not been included in the Forward Plan for 28 days, it can still be taken if it is not practicable to put it in the plan and wait 28 days before the decision is taken.

Before taking a key decision that has not been included in the Forward Plan, the



Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.

The decision cannot normally be taken until five clear days after the chair is told. But the decision can be taken before that if the chair (or the Lord Mayor if there is no chair) agrees that it is not reasonable to defer it.

As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days' notice has not been given.

...

Further details of the decision may be found in the [Discretionary Grant Scheme decision record on the Council website](#). A copy of this letter will be attached to that notice. Regulations passed in April 2020 over-ride the requirement to make a copy of this letter available in the Council's offices.

Please let me know if you would like to discuss the issues raised in this letter.

With best wishes,

Anita Bradley  
Head of Law and Governance