

To: Annual Council
Date: 20 May 2020
Report of: Head of Law and Governance on behalf of the Head of Paid Service (Chief Executive)
Title of Report: Decisions taken under Parts 9.3(c) of the Constitution

Summary and recommendations	
Purpose of report:	Council is asked to note the decisions taken by the Head of Paid Service (Chief Executive) since 23 March 2020 using his emergency powers.
Recommendation(s): Council is recommended to:	
1. Note the decisions taken as set out in the report.	

Introduction and background

1. This report sets out the decisions taken by the Head of Paid Service (Chief Executive) using the emergency powers set out in the Council's Constitution in response to the Covid 19 pandemic:

Part 9.3(c) Role of Head of Paid Service

The Head of the Paid Service may authorise any emergency action required on any matter which shall include incurring expenditure, including those falling within the jurisdiction of a Committee or the Cabinet. The Head of Paid Service, in so acting, will be guided by the budget and 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.

2. This report does not list all decisions taken by officers in response to the Covid-19 outbreak only those taken by the Head of Paid Service (Chief Executive) using his emergency powers which must be reported to Council under the provisions of Part 9.3(c) of the Constitution. Council is asked to note these decisions and Members may wish to ask questions. Notice of other officer decisions taken under normal delegated authority have been published and circulated to Members in the usual way.

1	Use of the emergency powers delegated to the Head of Paid Service (Chief Executive) to adopt a temporary "Business
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Continuity" version of the Oxford City Council Constitution

Decision:

1. **Adopt** for a temporary period while business continuity measures are invoked during the Covid 19 pandemic a revised version of the Oxford City Council Constitution using the emergency powers delegated in Part 9.3(c) of the Constitution, based on the revisions to the Constitution adopted by Council on 27 January 2020 set out in Appendix 1 that:
 - a. Authorise the Chief Executive to cancel and to call meetings of Council without consultation (Parts 11.5 and 11.6).
 - b. Authorise the Head of Law and Governance to cancel and to call meetings of non-executive committees and sub- committees without consultation, including cancelling meetings where there would be sufficient business for a meeting to take place (Parts 13.4 & 14.6).
 - c. Clarify the arrangements for single Cabinet Member decision making, should the Leader choose to delegate any executive decisions currently reserved to Cabinet to individual Cabinet Members.
 - d. Authorise the Head of Planning Services to determine planning applications normally reserved to area planning committees (Part 5.3) in accordance with a protocol (Appendix 2), until such a time as meetings can be convened.
 - e. Suspend the call in procedures (Part 17) for all executive and planning decisions until such a time as meetings can be convened.
 - f. Authorise the Head of Regulatory Services and Community Safety to determine all licensing applications (Parts 5.6 and 5.7) with the exception of any applications that require a hearing and cannot be delegated in law, until such a time as meetings can be convened.
2. **Delegate** authority to the Head of Law and Governance to make minor textual changes to the proposed wording of the revised business continuity version of the Constitution set out in Appendix 1 and to make any other consequential amendments that may be required.
3. **Instruct** the Head of Law and Governance to publish the revised business continuity version of the Constitution (as amended) on the Council website
4. **Delegate** authority to the Head of Law and Governance to amend the business continuity version of the Constitution as required in response to events or following the implementation of regulations brought forward under the Coronavirus Act 2020 or changes to such regulations, for example facilitate virtual meetings or to reinstate normal constitutional arrangements where physical meetings can be legally and safely convened, and, if necessary, to revert back to the arrangements set out in Appendix 1 if restrictions on public gatherings are re-imposed in future.

Date decision made:	31 March 2020
Date decision published:	2 April 2020
Decision taker	Head of Paid Service (Chief Executive)

Is this a Key Decision?:	No
Alternative options considered:	To not use emergency powers in this way would mean the Council would have no provisions for taking decisions that are reserved to committees and sub-committees, such as planning and licensing applications, for an indefinite period until such a time as restrictions on public gatherings are lifted or remote meetings are enabled in regulations. Not using emergency powers in this way would also constrain the Council's ability and resilience in responding to fast moving national events, changing advice from Government and the spread of the pandemic.
Wards affected	
Declared conflict of interest:	None

2	Community Governance Review - Headington Neighbourhood Plan Referendum Area
This decision was due to be considered at Council on 30 March 2020.	
Decision:	
To not create a community council for the Headington area, following the results of the consultation undertaken and taking into consideration the Local Government and Public Involvement in Health Act 2007, the Guidance and the recommendations from the Community Governance Review Working Group.	
Date decision made:	31 March 2020
Date decision published:	30 April 2020
Decision taker	Head of Paid Service (Chief Executive)
Is this a Key Decision?	No
Alternative options considered:	Options considered and rejected: <ul style="list-style-type: none"> To create a community council for the Headington area – there was no majority for this option in the public consultation and this was not recommended by the cross-party Community Governance Review Working Group. To delay the decision until such a time as Council could meet – this would delay the implementation of the recommendation of the cross-party Community Governance Review Working Group and prolong the uncertainty for the people and communities of Headington.
Wards affected	Barton and Sandhills; Headington; Headington Hill and Northway; Quarry and Risinghurst

Declared conflict of interest:	None
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3	Blackbird Leys Development Project Detailed Design
This decision was due to be considered at Council on 30 March 2020.	
Decision:	
<ol style="list-style-type: none"> 1. Allocate a budget of up to £21.528 million to deliver the scheme for new affordable and market housing, community and retail facilities and new and enhanced public space (paragraphs 11-19) and in line with the funding sources and viability assessment set out in this report. (paragraphs 57 – 62); 2. Allocate the HRA and General Fund spend in accordance with the profile set out in the report.(paragraphs 63-64) and which will supersede any current budget held for this project. 	
Paragraph numbers refer to the report considered by Cabinet on 11 March 2020.	
All documents relating to this decision are published as part of the papers for the 11 March Cabinet meeting.	
Date decision made:	31 March 2020
Date decision published:	30 April 2020
Decision taker	Head of Paid Service (Chief Executive)
Is this a Key Decision?:	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Alternative options considered:	Option considered and not taken: To postpone the allocation of funding until such a time as Council can meet would have delayed the implementation of a priority project for the Council with negative impacts on communities.
Wards affected	Blackbird Leys; Northfield Brook
Declared conflict of interest:	None

4	Pay Policy Statement 2020
This decision was due to be considered at Council on 30 March 2020.	
Decision:	
To approve the Pay Policy Statement 2020/21.	
The Council is required by the Localism Act 2011 to approve its pay policy statement by 31 March each year. This decision was taken by the Head of Paid Service using emergency powers on 31 March 2020 following the cancellation of a Council meeting scheduled for 30 March 2020 in response to the coronavirus pandemic.	

The financial implications of this Pay Policy Statement and the current 3 year pay agreement have been included within the Council's Medium Term Financial Strategy.	
Date decision made:	31 March 2020
Date decision published:	30 April 2020
Decision taker	Head of Paid Service (Chief Executive)
Is this a Key Decision?:	No
Alternative options considered:	To postpone the approval of the pay policy statement until such a time as a meeting of Council could be convened would result in a breach of the requirement under the Localism Act 2011 to approve a pay policy statement by 31 March each year.
Wards affected	All Wards
Declared conflict of interest:	None

5	To furlough Oxford City Council staff who are unable to fulfil their usual roles due to the Covid 19 pandemic and cannot, immediately, be redeployed to other Council work.
<p>The decision was made to furlough Oxford City Council staff who, because of the effects of Covid-19, were unable to fulfil their usual roles and could not, immediately, be redeployed to other Council work. This decision immediately impacts 20 staff for an initial period of three weeks and may impact further staff members in due course.</p> <p>The decision was informed by the Government's jobs protection scheme. This enables people to be laid off, on a temporary basis, because of the exceptional circumstances caused by Covid-19 and who are not among those being redeployed into areas where the Council is seeing increased activity such as Revenues and Benefits, the Contact Centre, and the new Locality Resource Hubs.</p> <p>Furloughing is designed to protect jobs by avoiding the need for redundancy through Government support of £80% of an employee's salary up to £2,500 a month. The Council intends to make up the difference, so providing full income to those affected.</p> <p>The decision follows careful consideration of the Council's need to continue delivering essential services, redeployment to service the new areas of demand, and a prudent approach to resilience of the organisation.</p>	
Date decision made:	06 April 2020
Date decision published:	12 May 2020
Decision taker	Gordon Mitchell, Chief Executive
Is this a Key Decision?:	Not key
Alternative options	Not to furlough staff who would otherwise, through no fault of their own, not be able to work

considered:	effectively. This is not the preferred option because the Council would continue to pay the full salaries of staff who are unable to work at a time when the Council's finances are under exceptional pressure due to the impacts of the pandemic on key revenue streams such as Business Rates and car parking income.
Wards affected	N/A
Declared conflict of interest:	None

6	Re-instatement of Call-in arrangements for Area Committees, Planning Review Committee, executive and ward member spend / CIL
<p>To reverse the decision taken on 3 April 2020 with respect to the suspension of Call-in arrangements for Area Committees, Planning Review Committee, executive and ward member spend / CIL.</p> <p>Specifically to make the following changes to the Constitution:</p> <p>Part 17</p> <p>What decisions can be called in?</p> <p>17.1</p> <p>Delete: No decisions can be called in</p> <p>Re-instate: <i>The following decisions can be called in:</i></p> <ul style="list-style-type: none"> • <i>resolutions by the Cabinet</i> • <i>key decisions taken by officers</i> • <i>ward member spend (Part 4.6)</i> • <i>planning decision taken by area planning committees</i> • <i>decisions on planning applications that were going to be taken by the Head of Planning Services</i> <p>and parts 17.2 – 17.9 inclusive</p> <p>The previous decision to suspend the Call-in arrangements was taken at the outset of the COVID-19 lockdown in order to reduce demand on the officer resource base within the Council. The assessment after 1 month is that the re-instatement of Call-in arrangements will not have a detrimental impact on resilience of the Council services and will promote open debate and transparent decision making.</p>	
Date decision made:	1 May 2020
Date decision published:	12 May 2020
Decision taker	Gordon Mitchell, Chief Executive
Is this a Key Decision?:	Not key
Alternative options	Not to re-instate the Council's various Call-in arrangements and to maintain the suspension of

considered:	<p>such arrangements for the duration of the COVID-19 pandemic.</p> <p>However, on 4 April 2020 the Government passed legislation to allow local authorities to hold remote meetings [The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.]</p> <p>During April officers developed proposals and made practical arrangements to support remote meetings commencing in the week beginning 18 May 2020.</p> <p>The preferred option is to re-instate the Call-in arrangements in parallel with the introduction of remote meeting arrangements.</p>
Wards affected	All
Declared conflict of interest:	None

Financial issues

3. There are no financial issues arising beyond those set out in the documents attached to the published decisions.

Legal issues

4. The emergency powers of the Head of Paid Service (Chief Executive) are set out in the Constitution.

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Background Papers: None

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