

To: Cabinet - 15 July 2020
Council - 20 July 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(b) and (c) of the Constitution

Summary and recommendations	
Purpose of report:	Cabinet and Council are asked to note the decisions taken by the Head of Paid Service (Chief Executive) using the urgency and emergency powers delegated in Parts 9.3(b) and (c) of the Constitution.
Recommendation(s): Cabinet and Council are recommended to:	
1. Note the decisions taken as set out in the report.	

Appendices	
Appendix 1	Additional decisions taken using urgency or emergency powers (if required).

Introduction and background

1. This report updates Cabinet and Council on decisions taken by the Head of Paid Service (Chief Executive) using the urgency and emergency powers delegated in the Council's Constitution.
2. Where urgency and emergency powers are used the Constitution requires the Head of Paid Service to report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

9.3 Role of Head of Paid Service

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(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.

(c) 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.

Decisions taken using urgency and emergency powers

3. The following decisions have been taken using urgency and emergency powers for which Cabinet and Council would otherwise have been required to give the necessary authority to act. Cabinet is responsible for recommending the budget to Council (including extra spending outside the budget) and for granting approval for projects of £500k or over and Council is responsible for setting the budget. Cabinet and Council are asked to note these decisions.
4. Should any further decisions be taken using urgency or emergency rules after this report is published these will be set out in Appendix 1 (to be circulated separately if required).
5. 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 urgency and emergency powers under the provisions of Parts 9.3(b) and 9.3(c) of the Constitution. This report does not include the decisions taken using emergency powers that were reported to the annual meeting of Council on 20 May 2020 since those decisions have already been reported to the body which would otherwise have been required to give the authority to act.

ITEM 1	ADDITIONAL REVENUE EXPENDITURE COMMITTED IN RESPONSE TO THE COVID-19 PANDEMIC
<p>Decision: To authorise the following spend which is outside the budget agreed by Council on 13 February 2020:</p> <ul style="list-style-type: none"> • Providing accommodation for rough sleepers and provision of meals at an estimated additional cost of £532k (this is based on initial 3 month lockdown period and does not reflect potential future requirements for rough sleepers) • Additional one-off ICT software and equipment and mobile handsets to accommodate remote working £455k • Provision of food parcels and other costs in supporting vulnerable people through the locality hubs - £115k • One off additional costs in the Benefits Team to process increased numbers of Housing benefits claims and changes in circumstances. - £50k <p>Note: the date of decision relates to the principle of releasing additional funding. A number of financial orders were issued over a period of time spanning April and</p>	

May 2020.	
Date decision made:	1 April 2020
Decision taker	Head of Paid Service (Chief Executive)
Was the decision taken under emergency or urgency rules?	Emergency – Constitution Part 9.3(c)
Is this a Key Decision?	Yes
Reasons for decision	To fund the Council's response to the Covid 19 pandemic.
Alternative options considered:	To delay committing expenditure until the normal authority could be secured from Cabinet and Council would have been detrimental to the Council's response to the Covid 19 pandemic.
Wards significantly affected	None
Declared conflict of interest:	None

ITEM 2	PAYMENT OF OXFORD DIRECT SERVICES LIMITED (ODSL) FOR SERVICES CONTRACT DURING CORONAVIRUS RESTRICTIONS
<p>Decision: To pay Oxford Direct Services Limited (ODSL) on an at cost basis for the period of the disruption.</p> <p>ODSL to mitigate costs through furloughing staff, reducing agency and vacancy control.</p> <p>ODSL to rebate to Oxford City Council furlough income and savings from fuel and materials</p>	
Date decision made:	12 May 2020
Decision taker	Head of Paid Service (Chief Executive)
Was the decision taken under emergency or urgency rules?	Emergency – Constitution Part 9.3(c)
Is this a Key Decision?	Yes
Reasons for decision	During the disruption due to the coronavirus some works have had to be stopped and others commissioned. An efficient and effective means of paying ODSL was sought during this period.
Alternative options considered:	<p>The option of utilising the Council Change and charging provision of the services contract was considered.</p> <p>This option was rejected as it would require a significant amount of bureaucracy and transaction costs to achieve broadly the same outcome.</p>
Wards significantly affected	None
Declared conflict of interest:	None

ITEM 3	AGREEMENT OF THE OXFORD CITY COUNCIL CORONAVIRUS DISCRETIONARY GRANT SCHEME
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Decision:	To agree the £1.265m Discretionary Grant scheme, for urgent launch on June 1st, in line with the other Oxon LA timescales for launch.
Date decision made:	27 May 2020
Decision taker	Head of Paid Service (Chief Executive)
Was the decision taken under emergency or urgency rules?	Urgency – Constitution Part 9.3(b)
Is this a Key Decision?	Yes
Reason for decision	To support small businesses with fixed property-related costs struggling to survive due to the coronavirus shutdown, and unable to access other grant funding.
Alternative options considered:	<p>The grant scheme must be delivered to serve the interests of local business and workers. However, different options for delivery were considered including;</p> <ul style="list-style-type: none"> • First come first serve until monies are spent. Issues include fairness, possible poor VFM, and funding going to less serious cases of loss/costs. • Widest possible interpretation with a detailed evaluation process. Issues include capacity to handle over-subscription and disappointment/wasted effort for local businesses. • Focus round 1 on the four priority groups in the BEIS guidance with a light touch evaluation where demand outstrips supply. Evaluation to focus on financial need, employment levels, supply chain, and evidence of positive environmental and social impacts. The scheme might be widened to other business cohorts in a second round, if funding remains. This approach is intended to balance demand, with a desire to support businesses where it will be likely to lead to the most positive set of triple bottom line outcomes
Wards significantly affected	None
Declared conflict of interest:	None

Financial issues

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

Legal issues

7. The urgency and 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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