

To: Cabinet
Date: 12 August 2020
Report of: Head of Paid Service (Chief Executive)
Title of Report: Decisions taken under Parts 9.3(b) of the Constitution

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

Appendices	
None	

Introduction and background

1. This report updates Cabinet on decisions taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Council's Constitution.
2. Where urgency 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

...

(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.

Decisions taken using urgency powers

3. The following decisions have been taken using urgency 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 is asked to note the decision.
4. The decision on the accommodation of rough sleepers at Canterbury House will also be reported to the next meeting of Council, on 4 October 2020.
5. This report does not include the decisions taken using urgency or emergency powers that were reported to the annual meeting of Council on 20 May 2020 or the meeting of Cabinet on 15 July 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	ACCOMMODATION OF ROUGH SLEEPERS AT CANTERBURY HOUSE
Decision:	
The decision was taken to:	
1. Approve that a letter of intent be sent to A2Dominion for the use of Canterbury House for 50 weeks from 3 August 2020 by way of a management agreement between St Mungo's and A2D, with the Council undertaking to enter into an agreement with St Mungo's for this work and complete a full agreement by 17 July 2020.	
2. Approve the allocation of a budget £660,486 for this use to be funded from housing benefit income, government grant (if approved) with the remainder from reserves if necessary.	
Date decision made:	10 July 2020
Decision taker	Head of Paid Service (Chief Executive) Decision taken in consultation with the Cabinet Member for Affordable Housing, the Head of Financial Services and the Head of Law and Governance.
Was the decision taken under emergency or urgency rules?	Urgency – Constitution Part 9.3(b) As this was an urgent key decision that had not been listed on the Forward Plan the Chair of the Scrutiny Committee agreed to the taking of an urgent key decision and to waive the right of Members to call in this decision (Constitution 15.17 & 17.9).
Is this a Key Decision?	Yes (value >£500k)
Reasons for decision	The Council has been seeking interim accommodation for homeless people who have been housed as part of the response to the COVID-19 pandemic. The current arrangements are short term at significant

	nightly cost. Student accommodation has been identified which could be made available, but an urgent decision is required to secure its use.
Alternative options considered:	<p>An extensive search for properties to accommodate rough sleepers was undertaken in the city to secure up to 120 rooms. Ideally it would be on no more than two sites to allow for effective management. The YHA Oxford is available for 9 months up to the end of March providing 41 rooms.</p> <p>Two individual houses were offered by Colleges and some rooms in Commonwealth House were tentatively offered, but the accommodation did not have en-suite facilities, would not offer enough rooms to avoid the use of hotels, and would be difficult to manage with staff having to work between a number of small sites.</p>
Wards significantly affected	Cowley Marsh
Declared conflict of interest:	None

ITEM 2	LEISURE FEES AND CHARGES
Decision:	To approve a preliminary change to leisure fees and charges to charge £8 for a single visit (pay as you play).
Date decision made:	31 July 2020
Decision taker	<p>Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with the Cabinet Member for Leisure and Parks, the Head of Financial Services and the Head of Law and Governance</p>
Was the decision taken under emergency or urgency rules?	<p>Urgency – Constitution Part 9.3(b)</p> <p>The setting of fees and charges for executive functions is a decision for Cabinet under Part 4.5 of the Council's Constitution.</p> <p>Fusion have acted quickly to reopen Ferry and given a date with very short notice (3rd Aug) which required the use of urgency rules.</p>
Is this a Key Decision?	Not key
Reasons for decision	<p>Fusion do not believe the centres are financially viable without making changes to the Fees & Charges.</p> <p>Fusion are working of a more detailed membership review that they will propose in the</p>

	coming weeks.
Alternative options considered:	Do not reopen Ferry and Hinksey – the pandemic has heightened the importance of physical activity and by opening we will be getting more people active Do not adjust the F&CS – this is not commercially viable
Wards significantly affected	None
Declared conflict of interest:	None

Financial issues

6. The financial issues arising from the decisions are set out in the published decision notices and any documents attached to those notices. There are no other financial issues arising from this report.

Legal issues

7. The urgency and emergency powers of the Head of Paid Service (Chief Executive) are set out in Part 9.3 of the Constitution. Key decisions taken under urgency or emergency powers are subject to the urgent key decision procedures (Part 15.17).

Report author	Andrew Brown
Job title	Committee and Member Services Manager
Service area or department	Law and Governance
Telephone	01865 252230
e-mail	abrown2@oxford.gov.uk

Background Papers: None