

Law & Governance

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Date: 10 July 2020

Dear Councillor Gant, Chair of Scrutiny Committee,

I am writing to you on behalf of the Head of Law and Governance to formally notify you of an urgent key decision which has not been notified on the Forward Plan, as required by the Council's Constitution (Part 15.17).

The urgent decision to be taken on 10 July 2020 concerns the Council acquiring the use of the Canterbury House building off Cowley Road as stable interim accommodation for the homeless population currently accommodated in hotels until July 2021. The cost of this commitment is £660k in the current financial year. This expenditure would be above the key decision threshold of £500k and was not anticipated in the budget agreed by Council on 13 February 2020. It is planned that the cost would be mitigated by housing benefits collected, government grant funding (if approved) and reserved (if required). This expenditure would support a key part of the Council's response to the Covid 19 pandemic as part of an overall package of costs for interim accommodation and support totalling £2.2m in 2020/21 and a further £700k in 2021/22.

I understand that the Director of Housing Paul Leo contacted you and briefed you on the circumstances and the likely need for an urgent decision, which arises because the current occupiers of the building require a commitment to proceed by close of business on 10 July 2020.

In the absence of an opportunity for Council and Cabinet to make the necessary decisions to approve the scheme within the given timeframe, a decision would need to be taken by the Chief Executive 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 Head of Law and Governance to write to the Chair of Scrutiny where an urgent key decision has not been notified in the Forward



Plan. The taking of an urgent decision must be agreed by the Chair of Scrutiny Committee where that decision has been notified on the Forward Plan for less than 5 clear days:

15.17 Urgent key decisions

...

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.

...

The Constitution (Part 17.9) includes provisions for waiving the right of Members to call in urgent decisions where the Chair of the Scrutiny Committee agrees that the delay caused by the call in process would not be in the interests of the Council or the public. In this case the call in deadline would fall after the deadline for the Council to commit to the decision, meaning any call in would prevent the Council from securing the accommodation. Your agreement to waive call in for this decision is therefore requested:

17.19 Urgent decisions

A decision to be taken cannot be called in if the Chair of the Scrutiny Committee, upon being consulted, agrees that:

- the decision to be taken is both urgent and reasonable and
- the delay caused by the call-in process would not be in the interests of the Council or the public.

I would be grateful if you could respond by return to confirm whether you agree to the taking of an urgent decision and to the waiving of call in for this urgent decision.

If the urgent decision is agreed a copy of this letter will be attached to the public decision notice and the urgent decision will be reported to meetings of Cabinet and Council in the coming weeks.

Please let me know if you would like to discuss this matter.

With best wishes,

Andrew Brown
Committee and Member Services Manager