

**To:** Cabinet  
**Date:** 9 September 2020  
**Report of:** Head of Paid Service (Chief Executive)  
**Title of Report:** Decisions taken under Parts 9.3(b) of the Constitution

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

<b>Appendices</b>	
1	Exempt decision notice

## 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 decision has been taken using urgency powers for which Cabinet would otherwise have been required to give the necessary authority to act. Cabinet is asked to note the decision.
4. This report does not include the decisions taken using urgency or emergency powers that were reported to the meetings of Cabinet on 15 July 2020 and 12 August 2020 since those decisions have already been reported to Cabinet.

<b>ITEM 1</b>	<b>EXEMPT DECISION</b>
<p><b>Decision:</b> The details of this decision are exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972.</p> <p>The decision was taken in accordance with the urgent key decision procedures set out in Parts 15.17 and 17.9 of the Council's Constitution.</p>	
<b>Date decision made:</b>	7 August 2020
<b>Decision taker</b>	Head of Paid Service (Chief Executive)  Decision taken in consultation with the Cabinet Member for Finance and Asset Management, the Head of Financial Services and the Head of Law and Governance
<b>Was the decision taken under emergency or urgency rules?</b>	<p>Constitution 9.3(b):</p> <p><i>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.</i></p> <p><i>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.</i></p> <p>As this was an urgent key decision that had not been notified 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 &amp; 17.9).</p>
<b>Is this a Key Decision?</b>	Yes (value >£500k)
<b>Reasons for decision</b>	The reasons for the decision have been set out in an exempt report.
<b>Alternative options considered:</b>	The alternatives have been set out in an exempt

	report.
<b>Wards significantly affected</b>	None

### **Financial issues**

5. The financial issues arising from the decision are set out in an exempt report. There are no other financial issues arising from this report.

### **Legal issues**

6. 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).

<b>Report author</b>	Andrew Brown
Job title	Committee and Member Services Manager
Service area or department	Law and Governance
Telephone	01865 252230
e-mail	<a href="mailto:abrown2@oxford.gov.uk">abrown2@oxford.gov.uk</a>

**Background Papers: None**

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