

**To:** Cabinet  
**Date:** 14 October 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 decisions 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 decisions taken as set out in the report.</b>	

<b>Appendices</b>	
1	Exempt – additional information for item 3

## 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 would otherwise have been required to give the necessary authority to act. Cabinet is asked to note the decisions.
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, 12 August or 9 September 2020 since those decisions have already been reported to Cabinet.

<b>ITEM 1</b>	<b>AUTHORISATION OF ENVIRONMENTAL HEALTH OFFICERS RESPOND TO LOCAL COVID-19 OUTBREAKS ON A COUNTY-WIDE BASIS.</b>	
<b>Decision:</b>		
<p>1. To enter into a written agreement with the other Oxfordshire District Councils to allow the authorities to provide support and assistance to each other in responding to local COVID-19 outbreaks (“The Oxfordshire COVID-19 Local Outbreak Control Plan” (LOCP)).</p> <p>2. To authorise the Council’s Environmental Health Officers to operate across the other district authority areas within Oxfordshire in delivering the LOCP.</p> <p>3. To authorise Environmental Health Officers employed by the other Oxfordshire district councils to operate within the City on behalf of Oxford City Council in delivering the LOCP.</p>		
<b>Date decision made:</b>	11 September 2020	
<b>Decision taker</b>	<p>Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with the Leader of the Council, the Head of Financial Services and the Head of Law and Governance</p>	
<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>	
<b>Is this a Key Decision?</b>	Not key	
<b>Reasons for decision</b>	<p>Under the LOCP, the local authorities in Oxfordshire have all agreed to establish a ‘pool’ of Environmental Health Officers who will work with partner organisations to provide the response to local COVID-19 outbreaks (the Authorised Officers). This includes an out of hours service to cover</p>	

	every weekend from 9am to 5pm from mid-September until 17th January 2021 when the regulations are due to expire. These Authorised Officers will be authorised to act as if they were an employee of each of the local authorities in order to exercise any enforcement powers that might be required to manage local outbreaks across Oxfordshire, irrespective of the officers' employing council, including, but not limited to, attending sites at any location across Oxfordshire for the purpose of inspection, providing advice and assistance to any business owner/resident/landlord/other individual (as appropriate) and serving any enforcement, prohibition or other notice as required
<b>Alternative options considered:</b>	To not enter into these arrangements would not support the Oxfordshire COVID-19 Local Outbreak Control Plan.
<b>Wards significantly affected</b>	None

<b>ITEM 2</b>	<b>ACCEPTANCE OF DELEGATED POWERS FROM OXFORDSHIRE COUNTY COUNCIL RELATING TO THE CONTROL AND PREVENTION OF CORONAVIRUS.</b>
<b>Decision:</b>	To accept the delegation of powers from Oxfordshire County Council (agreed at the County Cabinet meeting on 15 September 2020) and to enter into a section 101 agreement with Oxfordshire County Council relating to the control and prevention of coronavirus under The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020.
<b>Date decision made:</b>	15 September 2020
<b>Decision taker</b>	Head of Paid Service (Chief Executive)  Decision taken in consultation with the Leader of the Council, the Head of Financial Services and the Head of Law and Governance.
<b>Was the decision taken under emergency or urgency rules?</b>	Constitution 9.3(b): <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>  <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>

<b>Is this a Key Decision?</b>	Not key
<b>Reasons for decision</b>	To optimise the local response to the control and prevention of coronavirus.
<b>Alternative options considered:</b>	To not accept the delegated powers – this option was rejected as it would not optimise the local response to the control and prevention of coronavirus.
<b>Wards significantly affected</b>	None

<b>ITEM 3</b>	<b>REOPENING OF LEYS LEISURE CENTRE AND OXFORD ICE RINK.</b>	
<b>Decision:</b>	To agree to the following proposals: i) Opening the dryside at the Leys Leisure Centre ii) Opening the Oxford Ice Rink (from October) iii) To hold conversations with the City of Oxford Swim Club about reopening the Leys Pools.	
<b>Date decision made:</b>	15 September 2020	
<b>Decision taker</b>	Head of Paid Service (Chief Executive)  Decision taken in consultation with the Cabinet Member for Leisure and Parks, the Head of Financial Services and the Head of Law and Governance	
<b>Was the decision taken under emergency or urgency rules?</b>	Constitution 9.3(b): <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>  <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>	
<b>Is this a Key Decision?</b>	Not key	
<b>Reasons for decision</b>	To enable the second phase of the re-opening of Fusion facilities following the closures caused by the pandemic.	
<b>Alternative options considered:</b>	Consideration was given to the social and economic case for reopening services at each of the Council's leisure facilities which have remained closed during the Covid-19 pandemic, with a view to reopening services where viable.	

	<p>Barton to remain closed for the time being subject to officers identifying a viable option for reopening</p> <p>Ferry remains open and Fusion Lifestyle are looking to broaden the service offer at no cost to the Council.</p> <p>Hinskey Pool is subject to leak repair works and will remain closed until 2021.</p>
<b>Wards significantly affected</b>	None

### Financial issues

- The financial issues arising from the decisions are set out in the published decisions notices and any supporting documents. There are no other financial issues arising directly from this report.

### Legal issues

- The urgency and emergency powers of the Head of Paid Service (Chief Executive) are set out in Part 9.3 of the Constitution.

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**Background Papers: None**

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