

To: Annual Council
Date: 19 May 2021
Report of: Head of Law and Governance on behalf of the Head of Paid Service (Chief Executive)
Title of Report: Decisions taken under Part 9.3(b) of the Constitution

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

Appendices
None

Introduction and background

1. This report updates Council on decisions taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated to the Chief Executive 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 and emergency powers

3. The following decisions have been taken using urgency powers for which Council would otherwise have been required to give the necessary authority to act. Council is responsible for agreeing or changing revenue and capital budgets and for setting housing rents. Council is asked to note these decisions.

ITEM 1	AGREEMENT OF THE OXFORD CITY COUNCIL CORONAVIRUS ADDITIONAL RESTRICTIONS GRANT (ARG) SCHEME
<p>Decision: The decision has been made to:</p> <p>a) Increase the budget to the full £5,394,374 allocation of ARG, subject to the Council receiving additional funding of £991,374 (current budget £4,403,000).</p> <p>b) Authorise spending over the £2.8m already committed up to a maximum of £5,394,374, subject to additional funding of £991,374 being received, or if not up to a maximum spend of £4,403,000.</p> <p>c) Note the projected allocation for schemes.</p> <p>d) Delegate decisions to increase and decrease specific scheme budgets, within the total ARG allocation, to the Director of Development, in consultation with the Leader and Cabinet Member for Economic Development and Partnerships.</p>	
Date decision made:	27 April 2021
Decision taker	<p>Caroline Green, Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with Cllr Susan Brown, Leader and Cabinet Member for Economic Development and Partnerships, Nigel Kennedy, Head of Financial Services and Susan Sale, Head of Law and Governance.</p> <p>The Chair of Scrutiny agreed to the taking of an urgent key decision which had not been notified on the Council's Forward Plan.</p>
Was the decision taken under emergency or urgency rules?	Urgency – Constitution Part 9.3(b)
Is this a Key Decision?	Key (value >£500k)
Reasons for decision	<p>The grant scheme must be delivered to serve the interests of local business severely affected by COVID restrictions in line with Government guidance. A full range of proposals were considered, and implementation of the recommended proposals was decided upon, based on the scheme guidance and local economic needs.</p> <p>Recent announcements have altered the picture in terms of timing of spend. On March 3rd, an additional £991,374 of ARG funding (on top of the £4,403,000)</p>

	<p>was announced with a significant shift in guidance (published 22nd March). This is aimed at ensuring ARG will be used to mirror the new 'Restart Grants' announced for eligible rate paying businesses in the budget.</p> <p>The additional funding will only be awarded to Local Authorities that have spent their existing funding (£4,403,000) by 30 June 2021 (as opposed to the 31st March 2022 as previously indicated).</p> <p>Therefore, in order to obtain the additional funds to support local businesses further, the grant and support schemes below will be delivered and funded flexibly according to business demand and the assessed impact on individual business applicants;</p> <p>Approved Scheme 1: ARG Short-term Fund - £2,810,000</p> <p>Approved Scheme 2: City Centre Restart Fund – £250,000</p> <p>Approved Scheme 3: Home-based / Mobile Businesses support - £300,000</p> <p>Approved Scheme 4: Restart ARG Grant (now mirroring national rate payer scheme) - £1,043,000</p> <p>Approved Scheme 5: Business Pivot Fund - £841,374</p> <p>Approved Scheme 6: Business support (where eligible) - £150,000.</p>
Alternative options considered:	To not seek to obtain additional funds would represent a missed opportunity for the Council to support businesses struggling with the impacts of the pandemic.
Wards significantly affected	None
Declared conflict of interest:	None

ITEM 2	TO SET THE AMOUNT OF RENT FOR THE SHARED OWNERSHIP PROPERTIES BEING DELIVERED AT ROSE HILL
Decision:	To set the rent levels for the 25 shared ownership properties at the Rose Hill site at 2% of the value of the unsold equity share.
Date decision made:	22 April 2021
Decision taker	<p>Caroline Green, Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with Cllr Mike Rowley, Cabinet Member for Affordable Housing,</p>

	Nigel Kennedy, Head of Financial Services and Susan Sale, Head of Law and Governance.
Was the decision taken under emergency or urgency rules?	Urgency – Constitution Part 9.3(b)
Is this a Key Decision?	No
Reasons for decision	The council does not currently have a rent setting policy for shared ownership properties, with properties currently being marketed and due to be handed over in June. Paragraph 18.8 of the Council’s Constitution allows for Council to agree the setting of charges for rents. Ahead of the next Cabinet and Council meetings a urgent decision is required to protect the Council’s interests
Alternative options considered:	Additional meetings of Cabinet and Council – impractical, in particular during an election. To have moved ahead with advertising and sales without legal power to set rent level – carrying financial and reputational risk.
Wards significantly affected	None
Declared conflict of interest:	None

Financial issues

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

Legal issues

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

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
