

**To:** Cabinet – 21 July 2021  
 Council – 26 July 2021

**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 and Council are asked to note the decision taken by the Head of Paid Service 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 and recommend to Council to note the decision.</b>	

<b>Appendices</b>
None

## Introduction and background

1. This report updates Cabinet and Council on a decision 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 and Council would otherwise have been required to give the necessary authority to act. Council is responsible for allocating budgets and Cabinet is responsible for recommending budget allocations to Council and for authorising any expenditure above delegation thresholds. Cabinet is asked to note the decision and to recommend to Council to note the decision.
4. This report does not include decisions taken using urgency or emergency powers that have previously been reported to Cabinet or Council.

ITEM 1	ENABLING WORKS TO FACILITATE THE DECARBONISATION PROJECT
	<p>To facilitate the decarbonisation project, a package of enabling works are to be instructed. These works consist of both repair of the existing mechanical and electrical plant where compatible, and upgrade of plant where compatibility would not be facilitated by repair. The decision was taken to:</p> <ol style="list-style-type: none"> <li>1. Agree to instruct Faithful and Gould and Wilmott Dixon to undertake the enabling works required to facilitate the decarbonisation project.</li> <li>2. Agree to allocate a capital budget in the Councils capital programme of £3.066million financed by budgeted capital resources set aside to finance works arising from the stock condition surveys, in the February 2021 refresh of the Medium Term Financial Plan project.</li> </ol>
<b>Date of decision:</b>	01/07/21
<b>Decision taker</b>	<p>Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with:</p> <ul style="list-style-type: none"> <li>• Councillor Susan Brown, Leader</li> <li>• Councillor Ed Turner, Cabinet Member for Finance and Asset Management</li> <li>• Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford</li> <li>• Councillor Mary Clarkson, Cabinet Member for Culture, Leisure and Tourism</li> <li>• Councillor Shaista Aziz, Cabinet Member for Inclusive Communities</li> <li>• Nigel Kennedy the Head of Financial Services</li> <li>• Susan Sale, Head of Law and Governance</li> </ul>
<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>	Yes (value >£500k)  The Chair of the Scrutiny Committee has been informed and the decision has been notified on the Forward Plan for 5 clear days under the “general exemption”. The decision was subject to call in by members.
<b>Reasons for decision</b>	The programme for the decarbonisation works is challenging and it is recommended that both Faithful and Gould and Wilmott Dixon are instructed on the enabling works in order to successfully manage the programme for both the decarbonisation project and enabling works to completion to meet the Salix deadline of March 2022.  The decarbonisation project cannot progress without the instruction of the enabling works package. In order to meet the Salix timelines for completion by 31st March 2022 the works must be instructed by 5th July 2021.
<b>Alternative options considered:</b>	The Council was allocated £10.9m from the public sector decarbonisation fund to finance the provision of heat pumps, thermal storage and battery storage at Oxford City Council sites and the development of renewable energy to reduce Council carbon emissions. To not proceed with the enabling works would put the delivery of that project at risk.
<b>Wards significantly affected</b>	None

### Financial issues

- The financial issues arising from the decision are set out in the published decisions notice and any supporting documents. There are no other financial issues.

### Legal issues

- The urgency and emergency powers of the Head of Paid Service are set out in Part 9.3 of the Constitution. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 govern the taking of key decisions. For this Council key decisions involve spending or saving £500k+ or have a significant impact on two or more wards. Under the “general exemption” key decisions can be taken 5 clear days after they are notified on the Forward Plan and the Chair of the Scrutiny Committee is informed.

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**Background Papers: None**

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