

To: Council
Date: 26 July 2021
Report of: Head of Law and Governance
Title of Report: Urgent Key Decisions

Summary and recommendations	
Purpose of report:	To update Council on key decisions taken in cases of special urgency since March 2020.
Lead Member:	Councillor Susan Brown, Leader of the Council
Recommendation(s): Council is recommended to:	
1. Note the urgent key decisions taken in cases of special urgency as set out in the report.	

Appendices
None

Introduction and background

1. The Leader of the Council is required by regulations to report to Council at least annually on executive decisions taken under special urgency procedures. Special urgency rules apply to key decisions that have not been notified on the Forward Plan for at least 5 clear days. Such decisions can only be taken where the Chair of the Scrutiny Committee (or if there is no chair the Lord Mayor) agrees that the making of the decision is urgent and cannot reasonably be deferred. This report updates Council on executive decisions taken in cases of special urgency since March 2020.
2. No executive decisions were taken in cases of special urgency under the current leadership prior to March 2020 and the start of the pandemic.

Decisions taken in cases of special urgency

3. The particulars of the decisions taken in cases of special urgency since March 2020 are detailed below.
4. Part 9 of the Council's Constitution authorises the Head of Paid Service (Chief Executive) to take urgent or emergency action where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be

required, including taking urgent key decisions. 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. Some of the following decisions have previously been reported to Council where Council would ordinarily have been required to give the authority to act.

ITEM 1	Additional revenue expenditure committed in response to the Covid-19 pandemic
<p>To authorise the following spend which is outside the budget agreed by Council on 13 February 2020:</p> <ul style="list-style-type: none"> • Providing accommodation for rough sleepers and provision of meals at an estimated additional cost of £532k (this is based on initial 3 month lockdown period and does not reflect potential future requirements for rough sleepers) • Additional one-off ICT software and equipment and mobile handsets to accommodate remote working £455k • Provision of food parcels and other costs in supporting vulnerable people through the locality hubs - £115k • One off additional costs in the Benefits Team to process increased numbers of Housing benefits claims and changes in circumstances. - £50k 	
Date of decision:	1 April 2020
Decision taker	Gordon Mitchell, Chief Executive Decision taken in consultation with the Cabinet and opposition group leaders (including the Chair of the Scrutiny Committee) who were meeting regularly to oversee and steer the Council's response to the pandemic.
Was the decision taken under emergency or urgency rules?	Emergency decision in accordance with paragraph 9.3 (c) of the Council's Constitution. Decision was reported to Cabinet on 15 July 2020 and Council on 20 July 2020.
Reasons for decision	To fund the Council's response to the Covid 19 pandemic.
Alternative options considered:	To delay committing expenditure until the normal authority could be secured from Cabinet and Council would have been detrimental to the Council's response to the Covid 19 pandemic.
Wards significantly affected	None

ITEM 2	Payment of Oxford Direct Services Limited (ODSL) for Services
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	Contract During Corona Virus restrictions
<p>To pay Oxford Direct Services Limited (ODSL) on an at cost basis for the period of the disruption.</p> <p>ODSL to mitigate costs through furloughing staff, reducing agency and vacancy control.</p> <p>ODSL to rebate to Oxford City Council furlough income and savings from fuel and materials</p>	
Date of decision:	12/05/2020
Decision taker	<p>Gordon Mitchell, Chief Executive</p> <p>Decision taken in consultation with the Cabinet and opposition group leaders, including the Chair of the Scrutiny Committee, who were meeting regularly to oversee and steer the Council's response to the pandemic</p>
Was the decision taken under emergency or urgency rules?	<p>Emergency decision in accordance with paragraph 9.3 (c) of the Council's Constitution.</p> <p>The decision was subject to call in by members.</p> <p>Decision was reported to Cabinet on 15 July 2020 and Council on 20 July 2020.</p>
Reasons for decision	<p>The Council has a services contract with its wholly owned Local Authority Trading Company.</p> <p>During the disruption due to the Corona Virus some works have had to be stopped and others commissioned.</p> <p>An efficient and effective means of paying ODSL was sought during this period.</p>
Alternative options considered:	<p>The option of utilising the Council Change and charging provision of the services contract was considered.</p> <p>This option was rejected as it would require a significant amount of bureaucracy and transaction costs to achieve broadly the same outcome.</p>
Wards significantly affected	None

ITEM 3	Agreement of the Oxford City Council Coronavirus Discretionary Grant Scheme
<p>To agree the £1.265m Discretionary Grant scheme, for urgent launch on June 1st, in line with the other Oxon LA timescales for launch</p>	
Date of decision:	27 May 2020
Decision taker	<p>Gordon Mitchell, Chief Executive</p> <p>Decision taken in consultation with the Leader and Cabinet</p>

	Member for Economic Development and Partnerships, and the Cabinet Member for Finance and Asset Management.
Was the decision taken under emergency or urgency rules?	<p>Urgent decision in accordance with paragraph 9.3 (b) of the Council's Constitution.</p> <p>As this was a key decision which had not been notified on the Forward Plan the Lord Mayor (because the Chair of the Scrutiny Committee had not been elected) was consulted under Part 15.17 of the Constitution and agreed that the decision was urgent and to waive call in.</p> <p>Decision was reported to Cabinet on 15 July 2020 and Council on 20 July 2020.</p>
Reasons for decision	The grant scheme must be delivered to serve the interests of local business and workers.
Alternative options considered:	<p>Different options for delivery were considered including;</p> <ul style="list-style-type: none"> • First come first serve until monies are spent. Issues include fairness, possible poor VFM, and funding going to less serious cases of loss/costs. • Widest possible interpretation with a detailed evaluation process. Issues include capacity to handle over-subscription and disappointment/wasted effort for local businesses. • Focus round 1 on the four priority groups in the BEIS guidance with a light touch evaluation where demand outstrips supply. Evaluation to focus on financial need, employment levels, supply chain, and evidence of positive environmental and social impacts. The scheme might be widened to other business cohorts in a second round, if funding remains. This approach is intended to balance demand, with a desire to support businesses where it will be likely to lead to the most positive set of triple bottom line outcomes
Wards significantly affected	None

ITEM 4	Accommodation of rough sleepers at Canterbury House
<p>The decision was taken to:</p> <ol style="list-style-type: none"> 1. Approve that a letter of intent be sent to A2Dominion for the use of Canterbury House for 50 weeks from 3 August 2020 by way of a management agreement between St Mungo's and A2D, with the Council undertaking to enter into an agreement with St Mungo's for this work and complete a full agreement by 17 July 2020. 2. Approve the allocation of a budget £660,486 for this use to be funded from housing benefit income, government grant (if approved) with the remainder from 	

reserves if necessary.	
Date of decision:	10 July 2020
Decision taker	Gordon Mitchell, Chief Executive Decision taken in consultation with Cllr Mike Rowley, Cabinet Member for Affordable Housing; Nigel Kennedy, Head of Financial Services; and Anita Bradley, Head of Law and Governance
Was the decision taken under emergency or urgency rules?	Urgent decision in accordance with paragraph 9.3 (b) of the Council's Constitution. 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 & 17.9). Decision was reported to Council on 5 October 2020.
Reasons for decision	The Council has been seeking interim accommodation for homeless people who have been housed as part of the response to the COVID-19 pandemic. The current arrangements are short term at significant nightly cost. Student accommodation has been identified which could be made available, but an urgent decision is required to secure its use.
Alternative options considered:	An extensive search for properties to accommodate rough sleepers was undertaken in the city to secure up to 120 rooms. Ideally it would be on no more than two sites to allow for effective management. The YHA Oxford is available for 9 months up to the end of March providing 41 rooms. Two individual houses were offered by Colleges and some rooms in Commonwealth House were tentatively offered, but the accommodation did not have en-suite facilities, would not offer enough rooms to avoid the use of hotels, and would be difficult to manage with staff having to work between a number of small sites.
Wards significantly affected	Cowley Marsh

ITEM 5	Commercial rent protocol (previously "Exempt decision")
<ol style="list-style-type: none"> 1. To approve the Rent Protocol 2020 (exempt) and the potential cumulative financial implications of it as set out in accompanying report (exempt). 2. To note the delegated authority under which officers will make decisions on a case by case basis in accordance with the Rent Protocol 2020. 	
Date of decision:	07 August 2020

Decision taker	Gordon Mitchell, Chief Executive Decision taken in consultation with Cllr Ed Turner, Cabinet Member for Finance and Asset Management; Nigel Kennedy, Head of Financial Services; and Anita Bradley, Head of Law and Governance.
Was the decision taken under emergency or urgency rules?	Urgent decision in accordance with paragraph 9.3 (b) of the Council's Constitution. 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 Parts 15.17 & 17.9). Decision was reported to Cabinet on 09 September 2020.
Reasons for decision	The objectives of the protocol are to: <ul style="list-style-type: none"> • support independent traders through a period of crisis and help protect jobs • support the vitality and economic sustainability of the city, including our city centre and our local centres and parades • ensure the offer for local residents, as well as returning students and visitors, is as wide as possible
Alternative options considered:	The alternatives to approving the commercial rent protocol would not have supported the objectives described above.
Wards significantly affected	None

ITEM 6	Decarbonisation funding – Hinksey Pool
To agree to the grant terms outlined in the offer of funding from Salix Finance.	
Date of decision:	23 December 2020
Decision taker	Gordon Mitchell, Chief Executive Decision taken in consultation with Councillor Susan Brown, Leader; Councillor Ed Turner, Cabinet Member for Finance and Asset Management; Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford; Nigel Kennedy the Head of Financial Services; and Anita Bradley, Head of Law and Governance
Was the decision taken under emergency or urgency rules?	Urgent decision in accordance with paragraph 9.3 (b) of the Councils Constitution. Decision was reported to the Budget Council meeting on 10 February 2021.

Reasons for decision	To enable the Council to benefit from £1.6m of Salix funding for decarbonisation work at Hinksey Pool. A ten day window was given to Oxford City Council to either accept or decline the funding.
Alternative options considered:	Option 1 - Accept funding – preferred option Option 2 - Decline funding - not the preferred option as this would represent a missed opportunity to support the Council's strategic priority of Pursuing a Zero Carbon Oxford.
Wards significantly affected	None

ITEM 7	Decarbonisation Funding – Heat Pumps and Solar Investment
To agree to the grant terms outlined in the offer of funding from Salix Finance.	
Date of decision:	23 December 2020
Decision taker	Gordon Mitchell, Chief Executive Decision taken in consultation with Councillor Susan Brown, Leader; Councillor Ed Turner, Cabinet Member for Finance and Asset Management; Councillor Tom Hayes, Cabinet Member for Green Transport and Zero Carbon Oxford; Nigel Kennedy the Head of Financial Services; and Anita Bradley, Head of Law and Governance
Was the decision taken under emergency or urgency rules?	Urgent decision in accordance with paragraph 9.3 (b) of the Councils Constitution. Decision was reported to the Budget Council meeting on 10 February 2021.
Reasons for decision	To enable the Council to benefit from £9.3m of Public Sector Decarbonisation funding offered by Salix Finance for decarbonisation work across the City Council estate: a. Heat Pumps - The project will install heat pumps (replacing gas boilers) across five of the Council's big carbon emitting sites: Leys Pools & Leisure Centre; Oxford Ice Rink; Barton Leisure Centre; Rose Hill Community Centre; and subject to feasibility Oxford Town Hall b. Energy Storage – The programme will also deliver the installation of thermal and battery energy storage at each site to maximise the effectiveness of the heat pump and solar PV approach. c. Electrical Upgrade - Deliver electrical system infrastructure upgrade for the sites to cope with higher electrical demands associated with heat pumps. Metering will also be installed at all sites. d. Off-site solar – Allow investment in a large portion of a

	<p>local solar farm which will meet a significant part of the increased electrical demand arising from the shift away from burning gas for heating. Through this contracting arrangement green electricity will be provided to our sites from remote PV.</p> <p>A ten day window was given to Oxford City Council to either accept or decline the funding.</p>
Alternative options considered:	<p>Option 1 - Accept funding – preferred option</p> <p>Option 2 - Decline funding – not the preferred option as this would represent a missed opportunity to support the Council’s strategic priority of Pursuing a Zero Carbon Oxford.</p>
Wards significantly affected	None

ITEM 8	Agreement of the Oxford City Council Coronavirus Additional Restrictions Grant (ARG) Scheme (1)
<p>To agree expenditure of up to 2.65m from the total £4.403M (including recently allocated £1.354M) discretionary Additional Restrictions Grant (ARG) allocated to Oxford City by central Government, in line with the published scheme guidance for local authorities (Additional Restrictions Grant - Guidance for Local Authorities December 2020).</p>	
Date of decision:	20 January 2021
Decision taker	<p>Gordon Mitchell, Chief Executive</p> <p>Decision taken in consultation with the Cllr Susan Brown, Leader and Cabinet Member for Economic Development and Partnerships; Cllr Ed Turner, Cabinet Member for Finance & Asset Management; Nigel Kennedy, Head of Financial Services; and Susan Sale, Head of Law and Governance</p>
Was the decision taken under emergency or urgency rules?	<p>Urgent decision in accordance with paragraph 9.3 (b) of the Councils Constitution.</p> <p>As this was a key decision which had not been notified on the Forward Plan the Chair of the Scrutiny Committee agreed to the taking of an urgent decision under Part 15.17 of the Constitution and to waive call in rights.</p> <p>Decision was reported to Cabinet on 14 April 2021.</p>
Reasons for decision	The grant scheme must be delivered to serve the interests of local business and workers in line with Government guidance.
Alternative options considered:	Further options that were considered and may be implemented later if funding is available include:

	<ul style="list-style-type: none"> o Hardship / Survival Fund – support for businesses and organisations key for Oxford City’s recovery phase, focused sectors to be agreed with Oxford City Council Members. o Resilient Business Model Fund – support for projects and businesses in the recovery phase that are resilient and in line with Oxford City’s core values of environmental sustainability and inclusive employment. o Business support – mentoring and coaching support for early stage businesses. <p>These have not been ruled out but are targeted at restrictions easing and the scope will depend on the money available after the ARG Short term fund.</p>
Wards significantly affected	None

ITEM 9	Agreement of the Oxford City Council Coronavirus Additional Restrictions Grant (ARG) Scheme (2)
<p>The decision has been made to:</p> <ul style="list-style-type: none"> 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). 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. c) Note the projected allocation for schemes. 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. 	
Date of decision:	27 April 2021
Decision taker	<p>Caroline Green, Chief Executive</p> <p>Decision taken in consultation with the Cllr Susan Brown, Leader and Cabinet Member for Economic Development and Partnerships; Cllr Ed Turner, Cabinet Member for Finance & Asset Management; Nigel Kennedy, Head of Financial Services; and Susan Sale, Head of Law and Governance</p>
Was the decision taken under emergency or urgency rules?	<p>Urgent decision in accordance with paragraph 9.3 (b) of the Councils Constitution.</p> <p>As this was a key decision which had not been notified on the Forward Plan the Chair of the Scrutiny Committee agreed to the taking of an urgent decision under Part 15.17 of the Constitution. The decision was subject to call in by</p>

	members. Decision reported to the Annual Council meeting on 19 May 2021.
Reasons for decision	The grant scheme must be delivered to serve the interests of local business severely affected by COVID restrictions in line with Government guidance.
Alternative options considered:	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.
Wards significantly affected	None

The Financial issues

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

Legal issues

6. Regulation 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the executive leader submits a report to the authority at least annually on executive decisions taken in cases of special urgency (Regulation 11), including the particulars of each decision.

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Background Papers: None