

To: Cabinet – 15 September 2021
 Council – 04 October 2021

Report of: Head of Paid Service (Chief Executive)

Title of Report: Decisions taken under Parts 9.3(b) of the Constitution

Summary and recommendations	
Purpose of report:	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.
Recommendation:	Cabinet is recommended to:
1.	Note the decision taken as set out in the report and recommend to Council to note the decision.

Appendices
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. Cabinet is responsible for recommending budget allocations and transfers between the General Fund and the Housing Revenue Account to Council and Council is responsible for agreeing the budget and agreeing transfers between the General Fund and the Housing Revenue Account. 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	QL PROGRAMME ADDITIONAL SPEND
	<p>To commit expenditure of £229,112 to provide additional project resources to recover the QL system implementation from 16 June 2021 to 30 September 2021, and a further £146,260 up to June 2022, when the implementation will be complete and able to deliver the key business benefits to the Council and ODS.</p> <p>75% of the cost will be charged to the Housing Revenue Account given the nature of the system being implemented with the balance being funded from General Fund reserves.</p>
Date of decision:	01/07/21
Decision taker	<p>Head of Paid Service (Chief Executive)</p> <p>Decision taken in consultation with:</p> <ul style="list-style-type: none"> • Councillor Susan Brown, Leader • Councillor Ed Turner, Cabinet Member for Finance and Asset Management • Councillor Mike Rowley, Cabinet Member for Citizen Focused Services • Paul Leo, Director of Housing • Nigel Kennedy the Head of Financial Services • Susan Sale, Head of Law and Governance
Was the decision taken under emergency or urgency rules?	<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>
Is this a Key Decision?	No
Reasons for decision	Phase 1 of the QL Housing System went live on 20 May 2021. A number of significant issues arose as a result of its implementation. As a result the programme implementation is in

	<p>a status of “recovery”. The recovery of this implementation is business critical to both the Council and ODS. A review of the QL Housing System Programme Implementation has been undertaken by the Director of Housing in parallel with putting in place programme interventions to stabilise the programme and deal with immediate issues.</p> <p>As a result of the review, there have been developed a series of planned actions and decisions and the recommendations include bringing in a programme manager with appropriate project recovery expertise and changes to internal governance to improve timely decision making and assurance and risk management without disrupting or detracting from the work underway to progress the project.</p>
Alternative options considered:	<p>Given the business critical nature of the system in supporting the housing management, property repairs and finance functions, and the difficulties experience to date, the alternatives considered were:</p> <ul style="list-style-type: none"> • Abandon the implementation which would mean not realising the business benefits across the organisation and would increase costs further. • Not bringing in additional specialised resource would delay the implementation further and increase the risk of continuing to fail to implement the system.
Wards significantly affected	None

Financial issues

5. The financial issues arising from the decision are set out in the published decisions notice and any supporting documents. The detailed breakdown of expenditure is commercially sensitive pending a compensation claim.

Legal issues

6. The urgency and emergency powers of the Head of Paid Service are set out in Part 9.3 of the Constitution. The responsibilities for budget decisions are set out in Part 18.8 of the Council’s Constitution.

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Background Papers: None

