

Law & Governance

Direct Line: 01865 529834

E-mail: acourtney@oxford.gov.uk

Town Hall
St Aldate's
Oxford
OX1 1BX

Central Number: 01865 249811



Date: 16 March 2023

Dear Councillor Snowton, Chair of Scrutiny Committee,

I am writing to you on behalf of the Head of Law & Governance to formally notify you of an urgent key decision which has not been notified on the Forward Plan for 28 days, as required by the Council's Constitution (Part 15.17).

The urgent decision to be taken on 24 March 2023 concerns the award of a three-year contract for the provision of Microsoft software licences used across the Council and Council companies.

Ordinarily, this would be a Cabinet decision as it relates to giving project approval for projects of £500,000 or over (£1,000,000 for contract awards) (Constitution Part 4.5(10)), however in order to take advantage of a £120,000 saving over the life of the three-year contract, the decision is required before the end of March 2023 and the next Cabinet meeting is not until 19 April 2023. The proposed supplier was identified following a regular procurement exercise, however the offer of a three-year contract award and associated saving was only made to the Council during the week of 13 March 2023 and the Head of Law & Governance is of the view that it would not be practicable to wait for Cabinet to make this decision at its next meeting, as this would not allow the Council to take advantage of the saving.

This will be a key decision due to the value of the contract being over £1,000,000, but there is insufficient time to notify the decision on the Forward Plan for 28 days due to the need for the Council to enter into the contract before the end of March 2023, in order to benefit from the saving outlined above. The expenditure can be met from existing capital and revenue budgets for the provision of licences as agreed by Council on 16 February 2023.

It is proposed that the decision is taken by the Chief Executive, in consultation with the other statutory officers. The decision would be taken using the urgency powers delegated to the Chief Executive in Part 9.3(b) of the Constitution.

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.

Key decision procedures and call in procedures (Parts 15 & 17) will apply to any key decisions taken under this authorisation.

The Head of Law & Governance is of the view that the Council should aim to allow the usual two day time period for call-in to support transparency so I am not seeking your permission to waive members' rights to call-in the decision under Part 17.9 of the Constitution.

Please note that a copy of this letter will be attached to the public decision notice of this urgent key decision and the urgent key decision will be reported to the meeting of Cabinet on 19 April 2023.

With best wishes,

Alice Courtney

Alice Courtney
Committee & Member Services Manager (Interim Acting)