

To: Council
Date: 17 July 2023
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 October 2022.
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 October 2022.

Decisions taken in cases of special urgency

2. The following executive decisions were taken in cases of special urgency during the period since the previous report to Council on 3 October 2022.

ITEM 1	Cost of Living Payment for Oxford City Council Staff
<ul style="list-style-type: none"> To approve expenditure of c£400,000 to fund a one-off ex-gratia payment of £500 to Oxford City Council staff to reflect the cost of living crisis. The sum was not within the Council's existing approved budget, and was be met from reserves. 	
Date of decision:	25 October 2022
Decision taker	Caroline Green, Chief Executive
Was the decision taken under emergency or urgency rules?	<p>Yes - Constitution Part 9.3(b):</p> <p>(b) The Head of Paid Service was authorised to take any urgent action necessary to protect the Council's interests and assets where time was of the essence, and it was impracticable to secure authority to act where such authority would otherwise be required.</p> <p>The Head of Paid Service, in so acting, was guided by budget and the policy framework, and consulted the other Statutory Officers before acting and reported, in writing, as soon as practicable to the body which would otherwise had been required to give the necessary authority to act.</p> <p>Key decision procedures and call in procedures (Parts 15 & 17) applied to any key decisions taken under this authorisation.</p>
Reasons for decision	<p>The Council's staff resource is an asset of the Council. The one-off payment allowed the Council to provide support for its staff in the difficult financial climate. As the support was needed urgently, and to allow payment to be made in a timely way, the decision was been made by the Chief Executive (Head of Paid Service) using authority contained at Part 9.3(b) of the Constitution. The decision had been made in consultation with senior Council staff; the Leader of the Council; and other Group Leaders, and to be reported to Council in due course</p>
Alternative options considered:	Not to make a one-off ex-gratia payment. This option was rejected as it would not allow support to be provided to staff
Wards significantly affected	None

ITEM 2	Award of a contract to ODS for the construction of Bullingdon Community Centre
<ul style="list-style-type: none"> To confirm the award of a contract with a value of £1,396,495 to ODS for the construction of a replacement building at Bullingdon Community Centre. 	
Date of decision:	27 October 2022
Decision taker	Stephen Gabriel, Executive Director (Development)
Was the decision taken under emergency or urgency rules?	<p>Yes – Cabinet, on 19 December 2019 (Agenda Item 15 - Bullingdon Community Centre - Project Approval and Award Of Contract) resolved to:</p> <ol style="list-style-type: none"> 1. Delegate to the Executive Director Customer and Communities in consultation with the S151 officer and Head of Law and Governance the award of the contract to Oxford Direct Services Ltd [for the construction of a replacement building at Bullingdon Community Centre] subject to the full tender submission being within the agreed budget; and 2. Recommend to Council to increase the total project budget by £200,000 to £1,403,000. This is included as part of the consultation budget. <p>This delegation was within the remit of the Executive Director (Communities and People).</p> <p>On 17 February 2021, Council resolved to approve an increase in budget to a total of £1.506m as part of the Medium Term Financial Strategy 2022/23 – 2024/25 and 2021/22 Budget.</p>
Reasons for decision	<p>ODS was appointed following an ‘open book’ basis to allow intervention and value engineering at each elemental stage of works. A contract sum agreed prior to commencement would have been the alternative, but would have seen the inclusion of a fluctuation clause or a high addition of risk sums included in the tender sum. A contract has been drafted and agreed by Legal Services and is now ready to be signed to confirm award</p>
Alternative options considered:	Alternative options were set out in the report to Cabinet on 19 December 2019 and were not preferred for the reasons given.
Wards significantly affected	Churchill; Lye Valley

ITEM 3	Oxford City Council Staff Pay Increase
<ul style="list-style-type: none"> To approve expenditure of c£1,000,000 per annum to fund an increase in salary of £500 per annum, to all staff employed directly by Oxford City Council from 1st February 2023, other than Executive Directors and the Chief Executive. Such salary increase were pro-rata for part time staff, and not apply to contractors or those on day rates, but agency staff on equivalent Oxford City Council paypoints received the increase. The gross salary increase of £500 was consolidated with gross salary, and paid on a monthly basis with salary payments, and to be backdated to 1st February 2023. The cost of this additional payment of £500 to council employees including those within ODS was approximately £1 million per annum inclusive of employers national insurance and superannuation. There will be an unbudgeted cost of around £170k in 2022-23 but an ongoing cost of £1 million per annum from 2023-24. The Council has sufficient budgetary provision within its medium term financial plan (MTFP) for 2023-24 to fund the cost relating to council staff, with ODS having agreed to fund the amount relating to ODS staff. Given that this payment is consolidated the financial impact will be ongoing, affecting future years of the MTFP. This ongoing cost will need to be considered against the pay assumptions made for future years in the MTFP. 	
Date of decision:	9 March 2023
Decision taker	Caroline Green, Chief Executive
Was the decision taken under emergency or urgency rules?	<p>Yes - Constitution Part 5.16: "Council sets collective terms and conditions ... other than pay which is delegated to the Chief Executive to implement in respect of all staff, other than that of any ... Executive Directors, in accordance with national or local pay award/review schemes".</p> <p>Key decision procedures and call in procedures (Parts 15 & 17) applied to any key decisions taken under this authorisation.</p> <p>However, this decision is considered to be urgent and therefore Part 15.17 of the Constitution applied. Before taking the decision, the matter was included in the forward plan for less than 1 day. It was not practicable to include the matter on the forward plan any earlier, nor to wait 28 days before taking the decision, due to the urgency. The urgency had arisen as there was a need to pay the backdated pay in the financial year 22/23 and to achieve that, the additional pay must be processed by Human Resources and payroll officers on 14th March 2023 at the latest. The Chair of Scrutiny had given his permission for the decision to be made by the Chief Executive after less than one day's notice, due to the urgency of the matter.</p> <p>The decision was subject to call in, in accordance with Part</p>

	17 of the Constitution.
Reasons for decision	<p>The Council's staff resource is an asset of the Council. The increase to salary allowed the Council to provide support for its staff in the difficult financial climate.</p> <p>As the support was needed urgently, and to allow payment to be made in a timely way in the current financial year, the decision was made by the Chief Executive under delegated authority, and with the agreement of the Chair of the Scrutiny Committee to enable the decision to be made without 28 days' notice on the forward plan.</p> <p>The decision had been made in consultation with Statutory Officers, all Group Leaders, and the Unions.</p>
Alternative options considered:	<p>Not to make any increase to staff salaries.</p> <p>This option was rejected as it would not allow support to be provided to staff and could impact on recruitment and retention.</p>
Wards significantly affected	None

ITEM 4	South & Vale HIA Contract
<ul style="list-style-type: none"> • Approve the submission of the bid for a South & Vale Home Improvement Agency. • Delegate authority to the Director of Communities and People to submit the bid and enter into a contract up to a value of £1.8m in the event that the bid is successful. • Recommend to Council that the budget is amended to take into account the provision of the HIA service to deliver the contract. • Approve that the HIA assists South and Vale Council in reducing their backlog by carrying out 100 DFG cases and delegates approval to the Head of Regulatory Services & Community Safety to enter into a contract up to a value of £200k. 	
Date of decision:	10 March 2023
Decision taker	Councillor Linda Smith, Cabinet Member for Housing
Was the decision taken under emergency or urgency rules?	Yes – Part 4.6 of the Constitution: the Leader may delegate executive responsibilities to a single Cabinet Member with or without consultation with officers or other Cabinet Members. The Leader agreed on 07 March 2023 to delegate the decision to the Cabinet Member for Housing.
Reasons for decision	If the bid is successful, Oxford City Council's delivery of the contract will bring income into the Council and enable the Council to provide support to Oxfordshire residents as specified in the terms of the contract. There will also be benefits to the NHS health system which will improve access for residents who live in Oxford.
Alternative options considered:	Not to bid for the South and Vale Home Improvement Agency contract or provision of assistance to deal with their Disabled Facilities Grant backlog. This option was rejected as the aim of additional income to the Council, if the bid is successful, would not be realised and it would not allow the Council to assist in the provision of vital support to Oxfordshire residents.
Wards significantly affected	None

ITEM 5	Microsoft Licences
<ul style="list-style-type: none"> Following a regular procurement exercise, a successful bidder was identified. The outcome was the award of a three-year contract to the supplier Phoenix for the provision of all Microsoft software licences used across the Council and associated companies. The offer of a 3-year award with the associated discounts was only made during the week of 13th March 2023 - given the timescales for implementation, which must be by the 31st March 2023, which is what has generated the need for an urgent decision. In order to obtain a £40,000 discount on the pricing, the Council had to sign the agreement in the coming days. Otherwise, the Council would pay the full cost for an annual deal. The value of the contract amounted to £1,107,123.21 over a three-year period. This is in line with the existing capital (C3044) and revenue (CA70) budgets for the provision of the licences. No additional capital or revenue funding is required, nor is there a requirement to vire funds or to adjust annual budgets. Time was of the essence, to protect the Council's financial interests, by securing the discount of £120,000 over the three year period, and the discount was not available if the decision awaited the next scheduled Cabinet meeting. For this reason, the Chief Executive's delegated authority was used to take urgent action was appropriate and justified 	
Date of decision:	24 March 2023
Decision taker	Caroline Green, Chief Executive
Was the decision taken under emergency or urgency rules?	<p>Yes – This is a decision reserved to Cabinet under Constitution Part 4.5(10) relating to project approval.</p> <p>However, in the circumstances, an urgent decision was made by the Chief Executive under her authority delegated by Part 9.3(b) of the Constitution which provides that the Chief Executive is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it was impracticable to secure authority to act where such authority would otherwise be required.</p> <p>In exercising such authority, the Chief Executive, was guided by budget and policy framework, and consulted the other Statutory Officers before acting and reported, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</p> <p>Key decision procedures and call in procedures applied to any key decisions taken under this authorisation.</p>
Reasons for decision	If a decision was not taken with urgency, Microsoft would apply the April pricing, which was a 9% uplift on 2022/3 values. If an annual contract is taken out, the increase in

	cost would be in the region of £40,000 compared to the three-year cost, plus an uplift of 9%.
Alternative options considered:	<p>1. Follow the regular process – this would cost the Council upwards of £120,000 (circa 10% of the contract value) over three years.</p> <p>2. Approve an annual contract through the Head of Service (as the value would be below £500,000) – this would cost an additional £40,000 to the Council.</p>
Wards significantly affected	None

Financial issues

3. There are no financial issues arising directly from this report.

Legal issues

4. 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