

DECISIONS DELEGATED TO OFFICERS


Complete this form to record details of all decisions made by officers acting under delegated powers. Send the completed form to forwardplan@oxford.gov.uk

Decision title:	Zero Emission Zone (ZEZ) Income Sharing Agreement 2024
Decision date:	20-12-2024
Source of delegation: State how the decision was delegated. Was it an express delegation made at a meeting or a general delegation under the Council's Constitution?	<p>At the Cabinet meeting on 17h April 2024 (under paragraph 153), the Cabinet resolved to:</p> <ol style="list-style-type: none"> 1. Endorse the proposed legal agreement on income and costs sharing with Oxfordshire County Council with regards to the revenue that is being generated by the ZEZ Pilot, in the terms that are laid out in this report and in Appendix 1 2. Delegate authority to the Executive Director (Development), in consultation with the Head of Financial Services, the Head of Corporate Strategy and the Head of Law and Governance, to enter into the legal agreement proposed by the County Council (as set out at Appendix 1) on behalf of the Council.
What decision was made? Explain briefly – include financial details of any income or expenditure relating directly to this decision. Please indicate whether information is exempt / confidential.	<p>The Executive Director (Development) has exercised delegated authority to approve the legal agreement proposed by the County Council, after consultation with the Head of Financial Services, the head of Corporate Strategy, and the Head of Law and Governance, and after considering all the information available in the Cabinet report of 17th April 2024 and its appendices:</p> <p>According to the proposed agreement, payments from the ZEZ Pilot to the City will comprise repayment of all City's net eligible historic costs, and payment of 50% share of net income (once running costs are deducted) for every year that the scheme is in operation, up until the date by which the expanded ZEZ scheme is expected to launch, whereby this proposed income share agreement automatically ceases.</p> <p>Although the City Council's liability for its share of net costs is unlimited under the agreement, it is concluded that the risk to the City Council of incurring in those liabilities is very reduced (practically residual) given:</p> <p>The elements provided by County in its Shared Costs and Income Forecast Report (Appendix 3 -Confidential) and which clearly attest for the financial viability of the scheme.</p> <p>The elements provided by City in its Risk Assessment</p>

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	<p>Report (Appendix 2).</p> <p>The fact that the proposed agreement currently includes a mutual indemnity against costs arising to either party, as a result of the other's failure (lawfully or properly) to fulfil its functions.</p> <p>The short-term duration of this agreement (anticipated to be in place only until the expected launch of the wider ZEZ scheme) and how this element impacts on current and future EV uptake rates (In the Pilot Zone, and Nationally), as highlighted in detail on the "Financial Implications" section of the cabinet report.</p> <p>As soon as the City Council seals the ZEZ Income Partnership Agreement, the document will need to be submitted to Oxfordshire County Council for its final approval.</p>
<p>Purpose: What does the decision deliver or achieve?</p>	<p>The decision relates to the adoption of a net revenue share agreement between Oxfordshire County Council and Oxford City Council with regards to the ZEZ Pilot scheme.</p> <p>Payments from the ZEZ Pilot to the City will comprise repayment of all City's net eligible historic costs, and payment of 50% share of net income (once running costs are deducted) for every year that the scheme is in operation, up until the date by which the expanded ZEZ scheme is expected to launch.</p> <p>This agreement contributes to the improvement of local air quality and responds to the City Council's current Climate Change commitments, as introduces a new revenue stream that the City Council can use to invest in sustainable transport-related projects for the city and its residents.</p> <p>Income from the Pilot ZEZ Scheme will only be used to pay for its development and operation and to fund schemes that support the transport objectives of <u>both</u> councils, as the Transport Act 2000 requires that net proceeds are <u>only used</u> for schemes that facilitate the achievement of local transport policies.</p>
<p>Reasons: Please provide the reasons for the decision.</p>	<p>On 28 February 2022 Oxfordshire County Council and Oxford City Council have <u>jointly</u> introduced a Zero Emission Zone pilot scheme in Oxford to reduce air pollution levels, tackle the climate emergency, and improve the health of residents, workers, and visitors in Oxford and beyond.</p> <p>In its decision of 10th March 2021, the Cabinet</p>

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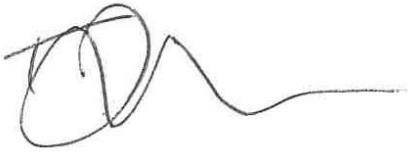
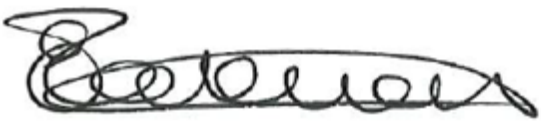

	approved the introduction of the ZEZ Pilot scheme, including supporting Oxfordshire County Council in their legal implementation of the scheme and gave authority to the Executive Director for Development to enter into legal agreement with County in relation to the treatment of surplus funds raised from the scheme and related matters.
Decision made by: Name and title of officer within the senior management structure	Tom Bridgeman - Executive Director (Development)
Other options considered: List any alternatives that were available to the decision taker and why they were rejected	No other options were considered
Documents considered: Please attach any new documents relevant to the decision and state if they are exempt	All the relevant documents have been included as appendices of the cabinet report that was submitted at cabinet meeting (17 th April) and include the draft of the proposed ZEZ Pilot Income partnership agreement, the Risk Assessment, and a Shared Costs and Income Forecast Report.
Key or Not Key: (see notes below):	Yes, as it relates to a total generation of income (during the complete period the agreement is expected to be in place) to Oxford City Council of £500,000 or greater
Wards significantly affected: If 2+ wards are significantly affected this will need to be treated as a key decision (see notes below)	All Wards
Declared conflict of interest: Please record any declared conflict of interest by any Cabinet Member consulted on the decision which relates to the decision.	None
This form was completed by: Name & title: Pedro Abreu Principal Air Quality Officer Date: 11/12/2024	

Approval checklist

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Approver	Name and job title	Date
Decision maker The officer with authority to take the decision, either from a Cabinet delegation or in the Constitution.	Tom Bridgeman, Executive Director (Development)	20-12-2024

Consultee checklist

Consultees	Name and job title	Date
Senior officer e.g. the relevant service manager / head of service where the decision maker is the Chief Executive or an Executive Director.		20.12.2024
Head of Financial Services If required by the delegation / Constitution	Nigel Kennedy, Head of Financial Services	04/12/2024
Head of Law and Governance If required by the delegation / Constitution	Emma Jackman, Head of Law and Governance 	03/12//2024
Head of Corporate Strategy If required by the delegation / Constitution	Mish Tullar, Head of Corporate Strategy 	04/12/2024
Cabinet Member(s) Some Cabinet delegations require consultation with the relevant Cabinet Member(s). For other decisions there is an	Cllr Anna Railton Cabinet Member for Zero Carbon Oxford and Climate Justice was made aware of the ZEZ Income Sharing Agreement at the time it was put to Cabinet for approval and has also been informed on this Officers decision.	

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expectation that Cabinet Members will be informed.		
<p>Ward Members</p> <p>Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial but please note that Cabinet Members must be consulted first</p>	<p>This officer's decision doesn't directly affect any of the City's wards, however, the monies generated may be applied in the future at any of the city wards, provided they are channelled to specific sustainable transport-related projects.</p> <p>Signatures are not required as all Ward members had already been told of these proposals – Cllr Anna Railton and Cllr Ed Turner have been made aware, and an email has been sent to all Cllrs to update them that the officer decision form is about to be published on the forward plan.</p>	<p>Oxford City Council Members' Briefing</p> <p>(28/10/2024)</p>

This form must be completed and sent to Committee and Member Services **as soon as reasonably practicable** after the decision is made. Prompt notification is particularly important for **key decisions** which are subject to call-in, as the call-in deadline is 2 working days from the decision notice being published. Before completing the form please refer to the notes below

NOTES

The law¹ requires the Council to record executive and non-executive decisions taken by officers under delegated powers and to publish them on the Council's website.

These requirements **apply** to decisions that would have been taken by Council or the Cabinet if delegated powers had not been given to an officer:

- under an express delegation granted at a meeting of Cabinet, Council or a Committee.
- under a general delegation (where responsibility is delegated in the Constitution) and the effect of the decision is to:
 - grant a permission or licence;
 - affect the rights of an individual;
 - award a contract or incur expenditure with a value in excess of £10,000;
 - award a contract with a value in excess of £10,000 but less than £1,000,000;
 - acquire or dispose of freeholds or leaseholds with a consideration or premium in excess of £10,000 but less than £500,000;
 - grant to new tenants or dispose of leases with a rental value in excess of £10,000 but less than £125,000 (this excludes assignments, holding over and rent reviews);

¹ the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 (Regulation 13(4)) and The Openness of Local Government Bodies Regulations 2014/2095 (Regulation 7)

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- grant 'project approval' for projects in excess of £10,000 but less than £500,000;
- make a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order;

These requirements **do not** apply to:

- planning and licencing matters where there are established arrangements for recording decisions: or
- decisions which are purely administrative or operational in nature

Officers making such decisions must complete a written statement containing details of the decision taken. A copy of this decision notice must be retained by the relevant service for at least 6 years and any background papers for 4 years.

Exempt or Confidential information

Information relating to a delegated officer decision does not have to be made public if it is exempt or confidential. Summary information from this decision sheet (excluding all exempt or confidential information) will be published on the Council's website.

Key or Non Key Decision

A key decision is an executive decision likely to have a significant effect on people living or working in at least two wards; or involve spending or saving a significant amount. For this Council 'significant' in budgetary terms is:

- a. Expenditure or savings of £500,000 or greater in the context of the medium term financial strategy;
- b. Contract awards with a value of £1,000,000 or greater
- c. Acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation
- d. Acquiring or disposing of leases with a rental value over £125,000 each year except statutory lease renewals under Part II of the Landlord and Tenant Act 1954.

A key decision can only be taken and recorded here if notice of it has been published in the Forward Plan for at least 28 clear days. Key decisions taken by officers may be "called in" by any four councillors or the Chair of the Scrutiny Committee within two days of the notice of decision being published.

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