

To: Council
Date: 27 January 2025
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 25 November 2024.
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 25 November 2024.

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 25 November 2024.

ITEM 1	To take a decision to acquire properties at Barton Park from OCH(I)L and the developer and hold with the Housing Revenue Account
<ul style="list-style-type: none"> • Approve, as an urgent decision outside of the policy and budget framework, that the Council: <ul style="list-style-type: none"> ○ takes a transfer of the 168 Barton Park residential units from Oxford City Housing (Investment) Limited (“OCH(I)L”); ○ acquires the remaining 184 units at Barton Park directly from the relevant phase developers for Phases 2, 3 and Phase 4 (“the developer”) at Barton Park as required under the overarching development agreement with Barton (Oxford) LLP ; ○ all properties to be purchased by the Housing Revenue Account (HRA) and from within the HRA capital budget. • Agree that charging of the purchases approved at recommendation 1 (at the value shown in Appendix 2) is to the allocated HRA Capital budget for ‘Purchases of Properties from OX Place’, until such time as full Council may allocate a special budget for the purpose of acquiring the Social Rent homes at Barton Park into the HRA. • Approve and agree to the purchase of and authorise the entering of the relevant contract and transfer documentation, ancillary deeds of covenant and agreement for the acquisition of 5 new affordable homes at Barton Park (Phase 3) from the Developer directly into the Housing Revenue Account (HRA), as listed in Appendix 1. • Approve and agree to the purchase of and authorise the entering of the relevant contract and transfer documentation, ancillary deeds of covenant and agreement for the acquisition of the 168 residential freehold and leasehold units held by OCH(I)L at Barton Park and any associated land at a total purchase price of up to £33,125,324 plus up to £250,000 of associated costs. • Delegate authority to the Executive Director - Development, in consultation with the Cabinet Member for Housing and Communities; the Head of Financial Services/Section 151 Officer; and the Council’s Monitoring Officer, to enter into all agreements necessary, for which powers are not already delegated under the scheme of delegation, to facilitate the transfer of the properties at 1.2 above, to the extent that such authority has not already been delegated to officers within the Constitution. 	
Date of decision:	28 November 2024
Decision taker	Councillor Susan Brown, Leader of the Council
Was the decision taken under emergency or urgency rules?	<p><i>Constitution Part 4.6</i></p> <p><i>The Leader may delegate executive responsibilities to a single Cabinet Member with or without consultation with officers or other Cabinet Members.</i></p> <p><i>Cabinet Members do not have to use the delegated powers: they can ask the Leader to decide. The delegation can also be withdrawn by the Leader.</i></p> <p><i>Any decisions delegated to a single Cabinet Member shall</i></p>

only be taken having regard to a written report submitted to them by the relevant officer within the senior management structure including any advice from the Head of Financial

Services and the Head of Law and Governance. The officer report will be published 5 clear working days before the decision is confirmed by the Cabinet Member.

If a Cabinet Member with delegated powers has a disclosable pecuniary interest in a matter for decision the Cabinet Member must declare the interest as required by the Members' Code of Conduct and not exercise the delegated function. The delegated function will instead be exercised by the Leader or another Cabinet Member authorised by the Leader.

Key decision procedures and call in procedures will apply to any key decisions delegated to a single Cabinet Member.

Once a Cabinet Member has taken a delegated decision, the Council will produce a record of the decision.

Constitution Part 16.4:

(a) The Cabinet or officers carrying out executive responsibilities can take a

decision that is outside the budget or policy framework if:

- it is urgent*
- it is not practicable to arrange a Council meeting*
- the Chair of the Scrutiny Committee agrees that the decision is urgent. (If the Chair of the Scrutiny Committee is absent, the Lord Mayor can agree that the decision is urgent. If the Lord Mayor is absent, the Deputy Lord Mayor can agree).*

(b) The record of the decision must say why it was not practicable to arrange a meeting of Council. It must also say that the Chair of the Scrutiny Committee (or Lord Mayor or Deputy Lord Mayor) agreed that the decision was urgent.

(c) The decision taker must take a full report to the next ordinary Council meeting explaining the decision. This must say why the decision was taken, why it was urgent and why it was not practicable to arrange a meeting of Council. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.

Constitution Part 15.17

If a key decision has not been included in the Forward Plan for 28 days, it can still be taken in exceptional circumstances if it is not practicable to put it in the plan and wait 28 days before the decision is taken.

Before taking a key decision that has not been included in the Forward Plan, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.

The decision cannot normally be taken until five clear working days after the chair is told.

Where it is not reasonable or practicable to wait until five clear working days have elapsed to take the decision, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or the Lord Mayor where there is no chair) to obtain agreement that the making of the decision is urgent and cannot reasonably be deferred. As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days' notice has not been given.

At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17 (Urgent key decisions).

Constitution 17.9

A decision to be taken cannot be called in if the Chair of the Scrutiny Committee,

upon being consulted, agrees that:

- the decision to be taken is both urgent and reasonable and*
- the delay caused by the call-in process would not be in the interests of the Council or the public.*

If the Chair of the Scrutiny Committee is not available, the Lord Mayor must agree that the decision to be taken is urgent and reasonable. If the Lord Mayor is not available, the Deputy Lord Mayor, Chief Executive or Monitoring Officer must agree.

Decisions to which this rule applies must be identified on the notice of decision.

Decisions to which this rule applies must be reported to the next ordinary Council meeting with the reasons why they were urgent. If the next meeting is within

	<i>seven days of the decision being taken the decision taker will report to the next meeting after that.</i>
Reasons for decision	The decision enables the development programme to continue to meet the funders timescales.
Alternative options considered:	Proceeding with this route ensures the continuation of the construction works and provides reassurance to the funder that the project will be delivered ahead of the 31 March 2025 deadline mitigating the risk of delay to the programme which would ultimately risk losing the external funding.
Wards significantly affected	None

ITEM 2	Leys Youth Hub Project at the Leys Leisure Centre
	<ul style="list-style-type: none"> • To enter a Design and Build (construction) contract with Oxford Direct Services Limited (ODSL) to create a youth hub based in the Leys Pools & Leisure Centre. • The contract has a value of £841,829.19 and will be funded by the Youth Investment Fund.
Date of decision:	26 November 2024
Decision taker	Peter Matthew – Executive Director (Communities and People)
Was the decision taken under emergency or urgency rules?	<p><i>Constitution 15.17</i></p> <p><i>If a key decision has not been included in the Forward Plan for 28 days, it can still be taken in exceptional circumstances if it is not practicable to put it in the plan and wait 28 days before the decision is taken.</i></p> <p><i>Before taking a key decision that has not been included in the Forward Plan, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.</i></p> <p><i>The decision cannot normally be taken until five clear working days after the chair is told.</i></p> <p><i>Where it is not reasonable or practicable to wait until five clear working days have elapsed to take the decision, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or the Lord Mayor where there is no chair) to obtain agreement that the making of the decision is urgent and cannot reasonably be deferred. As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and</i></p>

	<p><i>Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days' notice has not been given.</i></p> <p><i>At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17 (Urgent key decisions).</i></p>
Reasons for decision	The decision enables the development programme to continue to meet the funders timescales.
Alternative options considered:	None
Wards significantly affected	None

ITEM 3	Disposal of City Council Owned Land
	<ul style="list-style-type: none"> To enter into the contracts and agreements to confirm the sale of the land. The details of the terms are commercially sensitive and as such are exempt under Part 15.4 (c) of the constitution. Confirmation has been received that the proposal meets the requirements of S123 of the Local Government Act 1972. A legal report has also confirmed the terms of the sale.
Date of decision:	23 December 2024
Decision taker	Tom Bridgman – Executive Director (Development)
Was the decision taken under emergency or urgency rules?	<p>Constitution 15.17</p> <p><i>If a key decision has not been included in the Forward Plan for 28 days, it can still be taken in exceptional circumstances if it is not practicable to put it in the plan and wait 28 days before the decision is taken.</i></p> <p><i>Before taking a key decision that has not been included in the Forward Plan, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.</i></p> <p><i>The decision cannot normally be taken until five clear working days after the chair is told.</i></p> <p><i>Where it is not reasonable or practicable to wait until five clear working days have elapsed to take the decision, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or the Lord Mayor where there is no chair) to obtain agreement that the making of the decision is urgent and cannot reasonably be deferred. As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a</i></p>

	<p><i>notice saying why 28 days' notice has not been given.</i></p> <p><i>At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17 (Urgent key decisions).</i></p> <p>Constitution 17.9</p> <p><i>A decision to be taken cannot be called in if the Chair of the Scrutiny Committee, upon being consulted, agrees that:</i></p> <ul style="list-style-type: none"> <i>• the decision to be taken is both urgent and reasonable and</i> <i>• the delay caused by the call-in process would not be in the interests of the Council or the public.</i> <p><i>If the Chair of the Scrutiny Committee is not available, the Lord Mayor must agree that the decision to be taken is urgent and reasonable. If the Lord Mayor is not available, the Deputy Lord Mayor, Chief Executive or Monitoring Officer must agree.</i></p> <p><i>Decisions to which this rule applies must be identified on the notice of decision.</i></p> <p><i>Decisions to which this rule applies must be reported to the next ordinary Council meeting with the reasons why they were urgent. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.</i></p>
Reasons for decision	The detailed terms of the sale of the land have now been agreed and contract drafted. The agreement of the detailed drafting of these terms was delegated by the Cabinet and this decision records their agreement and enables the necessary documents for the sale to be entered into.
Alternative options considered:	The other option available to the Council was not to agree terms and complete the sale. This would prevent the Council from achieving the capital receipt. In addition to delay agreeing terms would increase the risk that new or changed requirements could be added that would make the deal less attractive.
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