

REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: Delegations - Contracts and Licensing

BRIEF STATEMENT OF SUBJECT MATTER:

The following urgent decisions are required to facilitate the continued functioning of Council business given the expected inability to call Member meetings and potential executive staff absence as a result of the Covid-19 outbreak.

Rubicon Leisure's Articles of Association provide at Article 8.2 that *At least 30 days prior to the start of each financial year the Board of Directors shall prepare a draft business plan and present the same for approval by the Members. Once approved (subject to such amendment as the Members see fit) the Directors shall at all times, conduct the business of the Company in a manner which is consistent with the provisions of the Business Plan.* The Leisure Operating Contract also includes requirements relating to the approved Business Plan.

Rubicon Leisure's Business Plan for the financial year 2020/2021 has not yet been approved by the Shareholder Committee. The closure of a number of Rubicon sites from 21 March 2020 in response to the Covid-19 outbreak will have significant impact on Rubicon Leisure's operations in the financial year 2020 to 2021 and the draft Business Plan has effectively been rendered obsolete before its approval.

DECISION:

To RESOLVE

- 1. To extend the delegation in the Council's Scheme of Delegations to the Head of Legal, Equalities & Democratic Services or Principal Solicitor to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contracts Procedure Rules; and**
- 2. That the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers and to develop procedural processes to facilitate these determinations.**
- 3. The Council acknowledges that Rubicon Leisure will not have an approved Business Plan at the start of the 2020/2021 financial year. The Council resolves not to take any action in respect of any breaches of the Articles of Association or the Leisure Operating Contract (including the Services Specification) resulting from the failure for an approved Business Plan to be in place, provided that Rubicon Leisure will continue to operate as far as current circumstances allow in accordance with the previously approved (2018/2020) Business Plan and will present a revised Business Plan taking account of the operational changes necessitated by Covid-19 to the Shareholder Committee as soon as reasonably practicable.**

These delegations should apply for a period of three months commencing 27th March 2020.

(Council decision)

GROUNDS FOR URGENCY:

These decisions are required urgently due to the immediate need to reduce the requirement for Member meetings and anticipated officer absence in the context of the Covid-19 outbreak

DECISION APPROVED BY:

(Deputy) **CHIEF EXECUTIVE**

EXECUTIVE DIRECTOR FINANCE & RESOURCES

(if financial implications)

.....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX)

.....
(Signature) (Jayne Pickering)

Date: 25th March 2020

| PROPOSED ACTION SUPPORTED <i>(amend as appropriate)</i> | | | | |
|---|-----------------------------|---------------------------------------|---|---|
| (Signature) | (Signature) | (Signature) | (Signature) | (Signature) |
| <i>(Block Capitals)</i> | <i>(Block Capitals)</i> | <i>(Block Capitals)</i> | <i>(Block Capitals)</i> | <i>(Block Capitals)</i> |
| MAYOR * | PF HOLDER** | LEADER / LABOUR Group | LEADER / LDR CONSERVATIVE Group | CHAIR O&S Committee |
| Date: | Date: | Date: | Date: | Date: |
| | | | | |

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

**Councillors David Thain (resolution 1), Julian Grubb (resolution 2) and Mike Rouse (resolution 3).