

# Contents

## **Part 1 Introduction**

- 1.1 [The Constitution](#)
- 1.2 [How OCC Operates](#)
- 1.3 [Decision Making](#)

## **Part 2 [Oxfordshire Fire and Rescue Service](#)**

## **Part 3 Council**

- 3.1 [Council Procedure Rules](#)
- 3.1A [Virtual Meeting Procedure Rules](#)
- 3.2 [Budget and Policy Framework Procedure Rules](#)
- 3.3 [Virement Rules](#)
- 3.4 [“Local Choice” Functions](#)
- 3.5 [Agency, Partnership and Joint Agreements](#)

## **Part 4 Cabinet**

- 4.1 [Membership of Cabinet and Shadow Cabinet](#)
- 4.2 [Cabinet Procedure Rules](#)
- 4.3 [Cabinet Committees](#)
- 4.4 [Delegated Decisions by Individual Cabinet Members](#)
- 4.5 [Cabinet Advisory Groups](#)
- 4.6 [Transport Advisory Panel](#)

## **Part 5 Committees and Sub-Committees**

- 5.1A [Membership of Committees and Sub-Committees](#)
- 5.1B [Health and Wellbeing board](#)
- 5.1C [Remuneration Committee](#)
- 5.1D [Membership of Other Committees](#)

## **Part 6 Overview and Scrutiny Committees**

- 6.1A [Overview and Scrutiny Committees](#)
- 6.1B [Joint Health Overview and Scrutiny Committee](#)
- 6.2 [Overview and Scrutiny Procedure Rules](#)
- 6.3 [Protocol on Scrutiny Participation](#)

## **Part 7 Scheme of Delegation to Officers**

- 7.1 [Officers](#)
- 7.2 [Scheme of Delegation to Officers](#)

## **Part 8 Other Procedure Rules**

- 8.1 [Access to Information Procedure Rules](#)
- 8.2 [Financial Procedure Rules](#)
- 8.3 [Contract Procedure Rules](#)
- 8.4 [Officer Employment Procedure Rules](#)
  - [Annex 1](#) – Procedure to be Complied with in Respect of Dismissal of Senior Officers

# The Oxfordshire County Council Constitution

## 1. The Council's Constitution

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

This Constitution and all documents in its Parts are the Constitution of Oxfordshire County Council. The electronic copy of the Constitution appearing on the Council's website is to be regarded as the master copy of the Council's Constitution.

## 2. Purpose of the Constitution

The purpose of the Constitution is to:

- (a) set out the Council's governance arrangements which will provide clear leadership to the community in partnership with citizens and other stakeholders;
- (b) support the active involvement of citizens in the process of local authority decision-making by setting out their rights in respect of the process of decision-making and access to information;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create an effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) set out the standards of conduct expected of Councillors and those who work for or with the Council.

## 3. Interpretation of the Constitution

- (a) Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution.

- (b) The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. In interpreting this Constitution, the Chair of Council shall seek the advice of the Monitoring Officer. Such interpretation will have regard to the purposes of this Constitution set out above.

## 4. Review and Revision of the Constitution

- 4.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect and make recommendations on any necessary amendments to it to the Council. In undertaking this task they shall:
  - (a) observe meetings of different parts of the Councillor and officer structure;
  - (b) undertake an audit trail of a sample of decisions;
  - (c) record and analyse issues raised by Councillors, officers, the public and other relevant stakeholders; and
  - (d) compare practices in the authority with those in other comparable authorities, or national examples of best practice.
- 4.2 The Monitoring Officer is authorised to make any changes to the Constitution which are required:
  - (a) to comply with the law; or
  - (b) to give effect to decisions of the Council or (so far as within their powers) the Cabinet, scrutiny committees and ordinary committees; or
  - (c) to correct errors and otherwise for accuracy or rectification.

All other changes to the Constitution will only be approved by the full Council after consideration of a recommendation from the Monitoring Officer.

## 5. Suspension of the Constitution

- (a) **Limit to suspension.** Only the Council Rules of Procedure set out in Part 3.1 (except Rule 17.6 and Rule 18.2), may be suspended by full Council and then only for the duration of a Council meeting. Any temporary suspension of any part of this Constitution shall only happen

if agreed by the Chair of the Council after they have sought advice from the Monitoring Officer.

- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of the suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out above.

## 6. Publication of the Constitution

- (a) The Monitoring Officer will ensure that each member of the authority is made aware of the location of the Constitution on the Council's website upon delivery to them of that individual's declaration of acceptance of office on the Councillor being elected to the Council. Changes to the Constitution will be notified to all Councillors after they have been agreed.
- (b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and is available electronically on the Council's public website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available free of charge within the County and is updated as necessary.

# How Oxfordshire County Council Operates

## 1. Councillors

Oxfordshire County Council comprises 63 County Councillors elected every four years (beginning in 2001). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. County Councillors are democratically accountable to the residents of their electoral division. The overriding duty of County Councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.

The key roles of Councillors are as follows:

- (i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their electoral divisions and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) maintain the highest standards of conduct and ethics; and
- (vii) take part in the Council's Locality Meeting for their area, the purpose of which is for Councillors within that locality to share information with, and receive updates from, senior managers about the services, priorities and issues affecting that locality.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit & Governance Committee is responsible for promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors' Code of Conduct and advising Councillors and co-opted members on matters relating to the Councillors' Code of Conduct.

From time to time, Councillors will be appointed as "champions" for particular topics. The profile, role and appointment process are set out in Part 8.

## 2. Full Council

All County Councillors regularly meet together as a single body – known as the 'Full Council'. Meetings of the Full Council are open to the public. Here County Councillors decide their spending plans (the 'revenue budget' and 'capital programme') in February each year. The Full Council also approves a number

of plans and strategies which, together with the revenue budget and capital programme, are known as the 'Budget and Policy Framework'.

The Full Council is also responsible for appointing the Leader of the Council and various committees: some of these committees are responsible for overseeing and reviewing the decisions of the Cabinet on behalf of the Council; others have statutory non-executive responsibilities to discharge.

The Full Council will ordinarily meet 6 times a year. Additional extraordinary meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

Only the Full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Budget and Corporate Plan (see below);
- (c) making decisions about any matter in the discharge of an executive function which is covered by the budget or the policy framework where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget or policy framework;
- (d) adopting the Council's Code of Conduct for Councillors;
- (e) appointing the Leader;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) adopting a Members' Allowances Scheme;
- (h) the functions relating to name and status of areas and individuals specified in Schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 including changing the name of the area;
- (i) confirming the appointment of the Head of Paid Service;
- (j) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (k) the making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public Involvement in Health Act 2007;
- (l) appointment of the Council's auditors; and
- (m) all other matters which, by law, must be reserved to Council.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing

requirement, the control of its capital expenditure and the setting of virement limits.

The Council's Corporate Plan will be approved by Council on a four-yearly basis with annual updates being reported to Cabinet.

The Council will also adopt and maintain other plans from time to time. These may include, for example:

- Library plans
- Community Safety Partnership Strategies
- Local Transport Plan
- Development Plan (including Minerals and Waste)
- Youth Justice Plan

The current plans will be available on the Council's website.

### **3. The Chair of the Council**

The Chair will be elected by the Council annually. No Councillor shall normally occupy the position of Chair for more than one year at a time.

The Chair will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
4. to ensure the business of the Council is discharged effectively and conducted in a fair and even-handed manner taking account of the range of views expressed; and
5. to be the conscience of the Council.

In addition, the Chair:

- (a) takes the chair at Council meetings;
- (b) promotes public involvement in the Council's activities;
- (c) attends such civic and ceremonial functions as the Council and s/he determines appropriate and represents the Council;

- (d) entertains on behalf of the Council;
- (e) at their own discretion lends support to non-political causes as Chair of the Council;
- (f) speaks for the Council as a whole on non-political issues, particularly on public occasions;
- (g) represents the Council, where appropriate, on negotiations with other bodies where the Council is in essence not divided and it is desirable that the Council be seen to be represented at the highest possible level;
- (h) where the Council has expressed its wish, does not speak publicly save in accordance with the declared wish of the Council;
- (i) should consult the Monitoring Officer as to whether it is appropriate for them to make a statement on, or participate in, any particular matter where there can be doubt;
- (j) where advised that a matter is political, should refrain from comment; and
- (k) has discretion to adjourn a Council meeting without question to seek advice from the Monitoring Officer, or other, at any point.

#### **4. Cabinet**

The Cabinet is the part of the County Council which is responsible for most of the day-to-day main decisions about the Council's functions and services. The Cabinet comprises the Leader of the Council and up to nine other Councillors, each of whom has a special area of responsibility or 'portfolio'.

Major decisions are normally made at the Cabinet's regular monthly meetings; others are made by individual Cabinet Members or a committee of two or more Cabinet Members. Both processes are open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to work within the Council's Budget and Policy Framework. The County Council can approve (or reject) any proposals from the Cabinet for action which is outside the Framework. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

#### **5. Non-Cabinet Councillors**

County Councillors who are not members of the Cabinet have equally important roles to play. As well as their responsibilities for looking after the interests of their constituents, they exercise non-executive functions of the County Council through membership of one or more of the County Council's standing committees which deal with largely regulatory matters which the Cabinet is not entitled to deal with. These include:



- Audit & Governance – providing assurance on the Council’s risk, control and governance arrangements; promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors’ Code of Conduct and advising Councillors and co-opted members on matters relating to the Members’ Code of Conduct.
- Pension Fund – managing the pension fund for participating employees of the County Council and other participating organisations and authorities.
- Planning & Regulation – dealing with various licensing matters as well as planning applications.
- Remuneration Committee – dealing with staffing matters including preparation of the annual pay policy statement.

Many of the day-to-day decisions on these matters will, in practice, be taken by sub-committees of Councillors or by professional officers acting in accordance with the delegation arrangements described later. Ultimately, they will still be accountable to the relevant committee or the full County Council, depending on the decision involved.

## **6. Overview and Scrutiny Committees**

These committees monitor the actions of the Cabinet and the other committees and may call them to account. Non-Cabinet members can (subject to certain rules) require decisions of the Cabinet to be ‘called in’ for review by the relevant Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.

## **7. Cabinet Advisory Groups**

These task and finish groups aid the Cabinet in the formulation of policy. They bring non-Cabinet members closer to the decision making of the Council and complement the role of the scrutiny committees.

## **8. The County Council’s Staff**

The County Council employs professional staff (or ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the County Council acts within the law and uses its resources wisely.

Officers may be authorised, either by the full Council, the Cabinet, a committee or a sub-committee (other than a scrutiny committee), to take decisions. The scope of these delegated powers is set out in Part 7 of this Constitution: Scheme of Delegation to Officers.

## 9. Citizens' Rights

Citizens on the electoral roll for the County have the right to vote in council elections and sign a petition to request a referendum for an elected mayor form of Constitution.

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) report on the proceedings of formal, public meetings of the Council using social media and other technology, provided that this is not disruptive to the meeting;
- (v) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- (vi) inspect the Council's accounts and make their views known to the external auditor;
- (vii) inspect information held by the Council, using the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004;
- (viii) see any personal information held about them by the Council, in accordance with the relevant data protection legislation;
- (ix) submit petitions under the relevant Council, Cabinet and Scrutiny Procedure Rules;
- (x) participate in Council matters by addressing in person or submitting a petition to the Council, a Committee, or the Cabinet, by participating in the Council's public question time and by contributing to investigations by scrutiny committees, including suggesting areas for review by scrutiny committees and issues raised through the Councillor Call for Action; and
- (xi) complain to the Council itself under the appropriate complaints procedure; the Ombudsman after using the Council's own complaints procedure; and the Monitoring Officer about a breach of the Councillors' Code of Conduct.

# Decision Making

## 1. Responsibility for Decision Making

The Council's Constitution explains which parts of the Council, and which individuals, have responsibility for particular types of decision(s) relating to particular areas. The Council will maintain a record of executive decisions taken by officers.

## 2. Principles of Decision Making

All decisions of the Council or taken by or on behalf of the Council, will be made in accordance with the following principles:

- (a) proportionality (i.e., the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights, diversity, and equality, and the natural and built environment;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.

## 3. Types of Decision

### (a) Decisions Reserved to Full Council

Decisions relating to the functions described in this Constitution as falling to the Full Council only will be made by the Full Council and not delegated.

### (b) Key Decisions

A decision taker may only take a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules in this Constitution. Regulations define "key decision" as "an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the County."

The Proper Officer in determining the meaning of significant will take into account of any guidance from the Secretary of State. In assisting the Proper Officer in determining the meaning of significant it has been defined as being 25% of the annual revenue budget for the relevant service block (i.e. that part

of the Council's total revenue budget allocated to the Cabinet Member for the service area concerned) or £500,000, whichever is the lower figure, and £1m in the case of capital expenditure; or 25% of the people living or working in the area affected; or 25% of the capacity, frequency or hours of operation of a service or facility.

Officers taking a Key Decision within this definition may only do so after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.

A decision constitutes a key decision only if an outcome as determined by the Proper Officer will result directly from that decision (including a decision to adopt or alter policy), and not (for example) where the substantive decision which will produce that outcome has been or is required to be made by the full Council in accordance with the Budget and Policy Framework Procedure Rules; or where further consideration will be required following public or other consultation or any other process or procedure before the substantive decision is made.

It is the responsibility of the relevant Director, in consultation with the Cabinet Member(s) for the service area in question, to assess whether a decision expected to be made amounts to a key decision; and where a key decision is identified as a result of such assessment the Director shall immediately notify the Proper Officer to enable the decision to be entered in the Forward Plan, in accordance with the Access to Information Rules.

#### **(c) Executive and Non-Executive Decisions**

An executive decision other than a key decision can be taken by the Cabinet, a Committee of the Cabinet, an Individual Member of the Cabinet, or an officer. Non-executive decisions are those decisions which relate to non-executive functions and are those which are set out in this Constitution and can be taken by a Council Committee or Sub-Committee or an officer.

### **4. Decision Making by Council Bodies Acting as Tribunals**

The Council, a committee or Sub-Committee of the Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights.

### **5. Decision Making by Officers**

The decisions by officers on executive matters will be recorded by the Council.

# Oxfordshire Fire and Rescue Authority

## Introduction

The Council is the designated Fire and Rescue Authority for the County of Oxfordshire with the primary responsibility to protect the community, reduce harm and save lives through prevention, protection, and response.

The Fire and Rescue Services Act 2004 sets out those core functions which all Fire Authorities must make provision for, including:

- Promoting fire safety
- Extinguishing fires and protecting life and property when fires do occur, including:
  - the provision of resources necessary to meeting normal requirements;
  - appropriate training for firefighters;
  - ensuring 999 calls for assistance can be dealt with effectively; and
  - minimising damage to property arising from firefighting operations
- Rescuing people involved in road traffic collisions
- Rescuing and protecting people in the event of other emergencies

The 2004 Act also introduced the Fire and Rescue National Framework which Fire and Rescue Authorities must have regard to when carrying out their functions. The five national priorities set out in the Framework require Fire and Rescue Authorities to:

- (a) Make appropriate provision for fire prevention and protection activities
- (b) Identify and assess the foreseeable range of fire and rescue related risks which their areas face
- (c) Collaborate with emergency services and other local and national partners to increase efficiency and effectiveness
- (d) Be accountable to communities for their service
- (e) Develop and maintain a workforce which is professional, resilient, skilled, flexible, and diverse

## **1. The Chief Fire Officer**

The Chief Fire Officer is authorised to:

- (a) ensure that the Council meets its legal and operational responsibilities for an effective fire and rescue service to be provided across the County
- (b) to secure provision of resources, training, and equipment for the purposes of discharging the core functions of the Fire and Rescue Service; and
- (c) to undertake fire safety promotion, road traffic collision rescues and other emergency responses to civil emergencies

## **2. The Cabinet Member for Community Services and Safety**

The Cabinet Member for Community Services and Safety is the lead Councillor with specific responsibility for Fire and Rescue within the remit of their Cabinet portfolio.

The Cabinet Member's responsibilities include:

- (a) To provide assurance on the performance of Oxfordshire Fire and Rescue Service
- (b) To receive reports from the Chief Fire Officer on the development and delivery of strategy, budgets, and policy
- (c) To develop expertise and knowledge in their portfolio area
- (d) To be the Council's lead spokesperson for their portfolio
- (e) To attend the Place Overview and Scrutiny Committee as requested, to discuss decisions taken and to assist the scrutiny and policy development process
- (f) To respond to questions relating to their portfolio arising at Council, Cabinet and Committee meetings

## **3. Place Overview and Scrutiny Committee**

The Place Overview and Scrutiny Committee has responsibility for scrutinising the Fire and Rescue function and acting as a critical friend. The Chief Fire Officer reports into the Committee providing key performance information to ensure members can hold the Portfolio holder to account and ensuring all statutory responsibilities placed on the Service are discharged and targets and objectives for performance are met.

## **4. Channel Panel**

In compliance with the statutory requirements set out under Section 36-41 of the Counter Terrorism and Security Act 2015, the Council has a Channel Panel

in place for the County of Oxfordshire and follows the Channel Duty Guidance 2020. The Chief Fire Officer currently has responsibility for the Channel Panel.

# Council Procedure Rules

## 1. Annual Meeting of the Council

### 1.1. Timing and Business

1.1.1. In a year when there is an ordinary election of councillors, the annual meeting will normally take place on the second Tuesday after the day of retirement of councillors or on such other day as the Chair may determine after consultation with Group Leaders but within twenty-one days of the day of the retirement of the outgoing councillors<sup>1</sup>. In any other year the annual meeting will take place on the third Tuesday in May unless the Chair determines otherwise after consultation with Group Leaders.

1.1.2. The Annual meeting will:

- (i) elect a person to preside if the Chair of Council is not present;
- (ii) elect the Chair of Council;
- (iii) elect the Vice-Chair of Council;
- (iv) approve the minutes of the last meeting and receive for information any matters arising from them;
- (v) receive any apologies for absence, official communications, and announcements from the Chair;
- (vi) receive any declarations of interest from members;
- (vii) elect the Leader of the Council (in a year when there is an ordinary election of councillors);
- (viii) note the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader of the Council for the coming year and their respective portfolios;
- (ix) appoint at least one scrutiny committee, and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Parts 5 and 6 of this Constitution) and appoint members to such committees;
- (x) be deemed to have appointed, as alternate members for each member of the Council appointed to a committee, all those members of that member's political group who are not for the time being members of that committee, save that only members of the Cabinet shall be deemed to have been appointed as alternate members for other members of the Cabinet and only non-Cabinet members shall be deemed to have been appointed

---

<sup>1</sup> Para. 1 of Schedule 12 of the Local Government Act 1972



# Virtual Meetings Procedure Rules

The County Council's formal meetings have returned to in-person meetings in physical settings. This means that voting members of the meetings must be present in the room in person. This is not the case for members of the public who have registered their wish to speak at a formal meeting or to present a petition: these can be done in person, but these engagements can also take place virtually where the Council has chosen to enable an online means of attending.

As such, the former Virtual Meetings Procedure Rules have been revoked apart from the following paragraphs relating the arrangements for handling requests from those wishing to speak or present petitions either in person or virtually where this facility is made available. These provisions have been retained in order to enable the Council to manage the use of physical space in the meetings and to enable time to discuss arrangements with potential speakers and petitioners.

## 1. Petitions and Public Address

Where a meeting is held virtually, members of the public will be able to participate in the following ways.

### 1.1 Public Speakers

Any person may address via the platform provided the Council, Cabinet or other Council Committee or an item in the agenda for not more than 5 minutes provided that

- (i) notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am **four** working days before the meeting; and
- (ii) a written copy of a statement may be provided ahead of the meeting so that it can be read out on the person's behalf in the case of a failure of technology.

This should be no longer than 1 A4 sheet; that is, capable of being read out within the time limit allowed by the Chair for speaking.

### 1.2 Petitions

Any person (other than a member of the Council) may present a petition at a Council meeting provided that:

- (i) notice of the desire to present the petition and the wording of the petition is given to the Proper Officer not later than 9.00 am **four** working days before the meeting; and

- (ii) the Petition is emailed to the Committee Officer named on the agenda 2 working days prior to the meeting.

When petitions are presented the presenter shall have the right to address the Council for not more than 3 minutes in support of the petition. Where a meeting is held virtually, and the addressee is unable to participate remotely their written submission will be accepted. This should be no longer than 1 A4 sheet. Notification requirements remain the same as set out above.

**Appendix 1*****Other Provisions***

<b>Rules</b>		<b>Impact/Amendment of Virtual Meeting Procedure Rules</b>
CPR 21	Requirement for a member of the public to leave the room in the event of a public disturbance and for clearance of the room	Leaving the room to include removal from the virtual meeting.

as alternate members for other non-Cabinet members on scrutiny committees;

- (xi) agree the scheme of delegation insofar as it relates to Council; and
- (xii) consider any other business set out in the notice convening the meeting.

## **1.2. Membership of Committees**

1.2.1. At the Annual meeting the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee; and
- (v) appoint to those committees.

## **2. Ordinary Meetings**

2.1. Ordinary meetings of the Council will normally take place on the:

- third Tuesday in February (the budget meeting);
- first Tuesday in April;
- second Tuesday in July;
- second Tuesday in September;
- first Tuesday in November
- second Tuesday in December each year.

In all cases, the Chair may determine otherwise after consultation with Group Leaders.

2.2. Except in the case of the February (or budget-setting) meeting, when subparagraphs (vii) to (xi) below will not apply, ordinary meetings of the Council will:

- (i) elect a person to preside if the Chair and Vice-Chair are not present;
- (ii) approve the minutes of the last meeting and receive for information any matters arising from them;
- (iii) receive any apologies for absence, official communications, and announcements from the Chair;
- (iv) receive any declarations of interest from members;

- (v) make any changes that may be necessary to scrutiny and other council committees (see Rule 1.2.1);
- (vi) receive any petitions and addresses from members of the public;
- (vii) receive questions with notice from, and provide answers to, the public (see Rule 11);
- (viii) deal with any business deferred from the last Council meeting;
- (ix) receive a report from the Cabinet, and any reports from scrutiny and other committees of the Council and receive questions and answers on any of those reports;
- (x) receive questions with notice from, and provide answers to, members of the Council;
- (xi) consider motions of which prior notice has been given;
- (xii) consider any other business specified in the notice convening the meeting;
- (xiii) consider any business which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency.<sup>2</sup>

2.3 The Chair shall have the discretion following consultation with Political Group Leaders to agree to and determine the arrangements for a themed debate.

### **3. Extraordinary Meetings**

3.1. Those listed below may require the Proper Officer to call Council meetings in addition to ordinary meetings and any extraordinary meetings convened under any other provision of this Constitution:

- (i) the Council by resolution;
- (ii) the Chair of the Council;
- (iii) the Monitoring Officer;
- (iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2. At an extraordinary meeting the Council will, in addition to the business set out in sub-paragraphs (i) to (vi) of Rule 2 above, conduct only the specific business for which the meeting has been called, and any business which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency.<sup>3</sup>

---

<sup>2</sup> Section 100B (4) of the Local Government Act 1972

<sup>3</sup> See footnote 2. above

## **4. Substitute Members of Committees and Sub-Committees**

### **4.1 Powers and Duties**

Substitute members will have all the powers and duties of any ordinary members of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

### **4.2 Substitution**

Substitute members may attend meetings only:

- (i) to take the place of the ordinary member for whom they are designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting;
- (iii) after notifying the Proper Officer in writing; and
- (iv) subject to any training requirements specified by the Monitoring Officer.

## **5. Time and Place of Meetings**

### **5.1 All meetings of the Council will:**

- (i) take place in the Council Chamber at County Hall, Oxford;
- (ii) commence at 10.30 am;
- (iii) be adjourned for lunch at 1 pm and finish by 3.30 pm;

subject to the Chair, after consultation with Group Leaders where appropriate, varying any or all the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.

### **5.2 The Chair will not close the meeting until all business required to be completed in order to comply with any requirement imposed by law or Government direction has been considered. Any other business not considered shall be deferred either to an adjourned meeting, to the next scheduled meeting or to an additional extraordinary meeting. The destination of such deferred business shall be determined by the Chair. This does not apply to Motions on Notice received in accordance with Rule 13 below, which shall be considered to be dropped if they have not been proposed and seconded in accordance with Rule 15.1 below.**

### **5.3 Where it appears likely that it will be necessary for the meeting to continue beyond the specified time, the Chair will consult with the Group Leaders and consideration will be given to adjourning for a brief interval in which time refreshments, maybe provided.**

## **6. Notice of and Summons to Meetings**

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post and electronic mail to every member of the Council or leave it at an agreed designated place for collection. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## **7. Chairing Meetings**

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chair of committees and sub-committees. Once elected, a Chair shall remain in office until a successor has been appointed.<sup>4</sup>

## **8. Quorum**

The quorum of a meeting will be one quarter of the whole number of members, (or in the case of a committee or sub-committee, one quarter of the whole number of voting members, or three voting members, whichever is the greater, of whom a majority are members of the Council). During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Duration of Meeting**

The duration of the meeting will be at the discretion of the Chair (subject to Rule 5.1 above) and shall be set out in the summons to members of the Council where possible and, if not, in the Schedule of Business circulated on the day of the meeting.

## **10. Petitions and Request to Address the Council**

### **10.1. Petitions**

10.1.1. Any person (other than a member of the Council) may present a petition at a Council meeting provided that:

- (i) the petition is relevant to a function which the Local Authority has a responsibility for and/or directly affects the County or its inhabitants; and

---

<sup>4</sup> Section 3(3) of the Local Government Act 1972

- (ii) notice of the desire to present the petition and information as to its subject matter is given to the Proper Officer not later than 9.00 am on the working day before the meeting;
- (iii) The petition has been signed by a minimum number of 10 persons;
- (iv) The Petition is shown to the Proper Officer directly prior to the meeting.

10.1.2. When petitions are presented:

- (i) the presenter shall have the right to address the Council for not more than 3 minutes in support of the petition;
- (ii) if the petition is directly relevant to an item in the agenda members shall have regard to it when discussing that item;
- (iii) if the petition is not relevant to any item in the agenda, it shall be referred without debate to the Cabinet or the relevant committee or the appropriate Chief Officer to be dealt with;
- (iv) all addresses shall be delivered from a location in the Council Chamber determined by the Chair.

10.1.3. Any question as to the relevance of any petition shall be determined by the Chair without debate.

10.1.4. The appropriate Chief Officer shall inform the petitioner within 10 working days what action will be taken as a result of the petition.

## 10.2. Addresses

10.2.1. Any person may address the Council on an item in the agenda for not more than 5 minutes provided that:

- (i) notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am on the working day before the meeting;
- (ii) the subject matter is not defamatory, frivolous or offensive or of a personal nature towards a member of the Council or to its officers;
- (iii) the Chair shall determine the request and the time when the address shall be made; and
- (iv) all addresses shall be delivered from a location in the Council Chamber determined by the Chair.

10.2.2. At the discretion of the Chair, members may seek clarification from the speaker of any issues raised during /his/her address.



In determining whether to allow a person to address a meeting under these Rules the Chair should consider the previous opportunities taken by that person (including presenting a petition) (or by the organisation s/he represents) to address the Council, the Cabinet or a Committee on the same issue. Where there are a number of requests from persons wishing to present similar views on the same issue the Chair may require that the views be put by a single spokesperson. It is expected that only in exceptional circumstances will a person (or organisation) be allowed to address more than one meeting on a particular issue, and then on not more than two occasions in any period of six months.

### **10.3. Chair's Discretion**

The rights to present petitions to, and to address meetings under Rule 10 are subject to the Chair's discretion in determining who shall speak, the length of speeches and the order in which they shall be taken.

- (i) City and District Councillors be given their own speaking slot at meetings of the County Council's Planning & Regulation Committee at the discretion of the Chair of the Committee and normally only where County Councillors enjoyed a similar privilege at District and City planning meetings;
- (ii) where that reciprocal arrangement was not in place then District and City Councillors would retain the right to apply alongside other members of the public.

## **11. Questions by the Public**

### **11.1. General**

Members of the public may ask one question of the Leader of the Council, other members of the Cabinet and any Chair of a scrutiny or other council committee at ordinary meetings of the Council.

### **11.2. Order of Questions**

Subject to the maximum time allowed for public questions at any one meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chair may group together similar questions.

### **11.3. Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm on the second

working day before the meeting<sup>5</sup>. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

#### **11.4. Number of Questions**

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

#### **11.5. Scope of Questions**

The Proper Officer may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which directly affects the County;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (iv) appears similar in nature to a question proposed by another person or organisation at the same meeting; or
- (v) requires the disclosure of confidential or exempt information.

#### **11.6. Record of Questions**

The Proper Officer will record each question and make it available for public inspection and will immediately send a copy of the question to the member to whom it is to be put.

#### **11.7. Asking the Question at the Meeting**

The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the member's written response will constitute the formal reply on behalf of the Council.

#### **11.8. Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Rule 11.5 above.

---

<sup>5</sup> For a meeting on a Tuesday, the deadline is 2.00 pm on the previous Friday, provided neither Friday nor Monday is a Bank Holiday (when the deadline would be 2.00 pm on Thursday if Monday is a Bank Holiday, or 2.00 pm on Wednesday if both Friday and Monday are Bank Holidays).

## **11.9. Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be deemed dealt with by the provision of a written answer.

## **11.10. Reference of Question to the Cabinet or a Committee**

Unless the Chair decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

## **12. Questions by Members**

### **12.1. Questions without Notice on Reports of the Cabinet or Committees**

A member of the Council may ask the Leader of the Council or any other appropriate member of the Cabinet or the Chair of a committee a question without notice upon any item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

### **12.2. Questions on Notice at Full Council**

12.2.1. Subject to Rule 12.3, a member of the Council may ask up to 3 questions with notice of:

- (i) the Leader of the Council;
- (ii) other members of the Cabinet; or
- (iii) the Chair of a scrutiny or other council committee;

at ordinary meetings of the Council on any matter in relation to which the Council has powers or duties which affects the County.

12.2.2. Subject to the maximum number of questions from any member being 3, the time allowed for councillors' questions with notice at any one meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chair may group together similar questions.

### **12.3. Notice of Questions**

12.3.1. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm on the seventh working day before the meeting.<sup>6</sup> Each question

---

<sup>6</sup> For a meeting on a Tuesday, the deadline is 2.00 pm on the second Friday before the meeting, provided neither Friday nor Monday is a Bank Holiday (when the deadline would be 2.00pm on the second Thursday before the meeting if Monday is a Bank Holiday, or 2.00 pm on the second Wednesday before the meeting if both Friday and Monday are Bank Holidays).

must give the name of the questioner and must name the member of the Council to whom it is to be put.

12.3.2. The Proper Officer may reject a question if it:

- (i) is not of direct relevance to the functions and responsibilities of the County Council or local issues involving other local public bodies (as set out in Appendix 1)
- (ii) is defamatory, frivolous or offensive; or
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months.

If answering a question would require the disclosure of confidential or exempt information, then the Proper Officer shall reply in writing in a confidential manner;

- (iv) can be directed for local response by a Cabinet Member where the question has a particularly local focus.

12.3.3. In all cases the final decision on whether a question is appropriate falls to the Chair of the Council.

## **12.4. Record of Questions**

The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. That Member must give her/his reply to the Proper Officer by 2.00 pm on the second working day before the meeting. Rejected questions will include reasons for rejection. Copies of all accepted questions and replies will be circulated to all members on the day prior to the meeting and will be made available to the public attending the meeting.

## **12.5. Supplementary Question**

12.5.1. The Chair will ask the questioner if s/he wishes to ask one supplementary question without notice to the member of whom the first question was asked;

12.5.2. A supplementary question must arise directly out of the original question or the reply and can only be allowed when the original question is a question on notice. The Chair may reject a supplementary question on any of the grounds in Rule 12.3.2 above;

12.5.3. Unless the Chair decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion;

- 12.5.4. A summary of the supplementary question and response will be recorded in the minutes.

## **12.6. Response to Supplementary Question**

An answer may take the form of:

- 12.6.1. a direct oral answer;
- 12.6.2. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- 12.6.3. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and copied to all Members of the Council.

## **13. Motions on Notice**

### **13.1. Notice**

- 13.1.1. Any member of the Council wishing to propose a motion for consideration at a meeting of the Council shall give to the Proper Officer the proposed wording of the motion in writing or by electronic mail before 2.00 pm on the tenth working day before the meeting, Subject to the maximum number of motions from any member being 3,
- 13.1.2. A motion which, in the opinion of the Chair, following advice from the Monitoring Officer, offends against the requirements in Rule 13.3 (Scope) shall be excluded from the agenda but the member who gave notice of it shall first be advised and allowed the opportunity to modify the motion to make it acceptable.

### **13.2. Motion set out in Agenda**

- 13.2.1. Motions for which notice has been given will be listed on the agenda in the order in which notice was received by the Proper Officer, subject to one motion from each political group<sup>7</sup>being considered in the order determined by the Chair in consultation with the Group Leaders;
- 13.2.2. All other motions will appear on the agenda in the order in which they were received unless the member giving notice states, in writing, that s/he proposes to move it to a later meeting or withdraw it.

---

<sup>7</sup> Currently limited to those entitled to an 'assistant' under section 9 of The Local Government and Housing Act 1989

### 13.3. Scope

A motion shall not exceed 250 words, shall be of direct relevance to the functions and responsibilities of the County Council or local issues involving other local 'public bodies'<sup>8</sup> (as set out in Appendix 1) and shall include nothing which is defamatory, frivolous, offensive, irrelevant or deemed as 'time wasting' and shall not be the same as a motion which has been considered in the past six month period (subject to the provisions of paragraph 16).

### 13.4. Recommendations of the Cabinet, a Committee or an Officer

Any recommendation from the Cabinet, a committee of the Council or an officer shall be treated as a Motion on Notice but Rules 13.1, 13.2, 13.3 (in relation to the 250 word limit) and 13.5.1 (ii)(a) shall not apply.

### 13.5. Treatment of Motions

13.5.1. Any motion included in the agenda will be proposed and seconded at the meeting in accordance with Rule 15.1 when the Council will:

- (i) in the case of a motion which if adopted would constitute the exercise of an executive function, debate it and refer it to the Cabinet together with any advice the Council may wish to give;
- (ii) in the case of any other motion, except at the February (or budget setting) meeting:
  - (a) debate and determine the motion, provided that the motion if carried at the meeting would not:
    - introduce a new policy; or
    - change an existing policy; or
    - involve additional significant expenditure (that is, expenditure of £10,000 or more); or
    - offend against a statutory requirement; or
  - (b) defer the motion for debate at the next or a future meeting in the light of advice from the Cabinet, the appropriate scrutiny committee or other committee of the Council; orrefer the motion to the appropriate scrutiny or other committee of the Council for debate and determination;

13.5.2. Where a motion is referred to the Cabinet, or a scrutiny or other committee, of the Council the Proper Officer will ensure that the motion is placed on the next appropriate agenda for that body in accordance with the relevant procedure rules set out in this Constitution. That body will then consider how the motion will be dealt with.

---

<sup>8</sup> Those with a 'duty to cooperate' except The Broads Authority, National Park Authorities, Transport for London and Metropolitan Passenger Transport Authorities which are not of relevance to Oxfordshire for this purpose.

- 13.5.3. The member whose motion has been referred to the Cabinet or a scrutiny or other committee of the Council may attend and speak to, but not vote on, her/his motion at the meeting when the motion is debated. This does not prevent a member exercising her or his rights by virtue of /his/her membership of the Cabinet or the relevant committee.
- 13.5.4. Where a motion has been determined by the Council and the Council's decision then requires the Cabinet to consider taking action on the issue(s) raised in that motion, the originator of the motion may attend and speak, but not vote, on the matter at the meeting of the Cabinet when it is discussed.
- 13.5.5. Any motion or amendment not proposed and seconded in accordance with Rule 15.1 below shall be considered as dropped.
- 13.5.6. A motion to amend a motion of which notice has been given under this Rule shall be considered only if presented to the Proper Officer in writing or electronic mail by 9.00 am two working days before the meeting.
- 13.5.7. A motion to amend a motion on a matter referred from the Cabinet, or a scrutiny or other committee to the Council for decision shall be considered only if presented to the Proper Officer in writing by 9.00 am two working days before the meeting.
- 13.5.8. At the end of the meeting, any motions not proposed and seconded in accordance with Rule 15.1 below shall be considered dropped (see Rule 5.2 above).
- 13.5.9. In the case of debate about the budget, the rules on the treatment of motions, are subject to the Budget and Policy Framework Rules (Part 3.2 of the Constitution).

## **14. Motions Without Notice**

### **14.1.** The following motions may be proposed without notice:

- (i) to propose a person for election to the office of Chair or Vice-Chair or to appoint a Chair to preside at that meeting;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer a matter to an appropriate body or individual;
- (v) to withdraw a motion;
- (vi) to amend a motion or amendment which arises in the course of debate in which case, provided it is accepted by the proposer and seconder of the motion or amendment and the Council consents, the motion or amendment under debate shall be amended accordingly;

- (vii) that the question be now put;
- (viii) to adjourn the debate;
- (ix) to adjourn the meeting;
- (x) to suspend a specified Council Procedure Rule or part thereof;
- (xi) to exclude the public where exempt or confidential information as defined in the Access to Information Procedure Rules may be disclosed;
- (xii) that a member be not further heard or that a member be required to leave the meeting;
- (xiii) to give consent of Council where it is required under these Procedure Rules;

14.1.2. to enable a decision to be reached:

- (i) on a matter referred by the Cabinet or any scrutiny or other committee to the Council for decision but where no recommendation has been made by the Cabinet or the committee; and/or
- (ii) when no decision has been reached by the Cabinet or the committee; and

14.1.3. a motion in relation to an item of business which is urgent under Section 100B(4) of the Local Government Act 1972.

## **15. Rules of Debate**

### **15.1. No Speeches until Motion Seconded**

No motion or amendment shall be debated unless it has been proposed and seconded. Any motion or amendment not proposed and seconded shall be considered dropped.

### **15.2. Right to Require Motion in Writing**

Unless notice of a motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

### **15.3. Secunder's Speech**

A member seconding a motion or amendment may reserve her/his speech until later in the debate but shall lose the right to speak if a motion under Rule 14.1 (vii) "that the question be now put" is carried.

### **15.4. Content and Length of Speeches**

15.4.1. Speeches must be directed to the motion under discussion or to a personal explanation or point of order and it shall be the duty of the Chair to stop discussion which, in her/his judgement, is irrelevant.



- 15.4.2 A member when proposing a motion or amendment shall not speak for more than five minutes and any other member speaking or making a statement on that same motion or amendment or any other motion deemed to be moved under these Procedure Rules for not more than three minutes without the consent of the Council, subject to these time limits being extended at the February (or budget setting) meeting to ten minutes and five minutes respectively when discussing the budget, subject to in all cases, the Chair of the Council having the discretion to limit the number of persons who may speak on any issue and the order of speaking in the best interests of the efficiency of the meeting.

### **15.5. When a Member May Speak Again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- 15.5.1. to speak once on any amendment moved by another member; or
- 15.5.2. if her/his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried); or
- 15.5.3. in exercise of a right of reply; or
- 15.5.4. on a point of order (see definition, Rule 15.12); or
- 15.5.5. by way of personal explanation (see definition 15.13).

unless the Chair determines otherwise.

### **15.6. Amendments to Motions**

- 15.6.1. An amendment to a motion must be relevant to the motion which it seeks to amend and will be either:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
  - (ii) to leave out words and/or insert or add other words
- but any such amendment shall not have the effect of introducing a substantially different proposal into, or negating the whole motion. The amendment must not take the original motion over 250 words.
- 15.6.2. Only one amendment will be moved and discussed at any one time, unless the Chair determines otherwise (such as grouping amendments together) to allow for the efficient running of business. No further amendment will be moved until the amendment under discussion has been dealt with unless in view of the Chair the

efficient despatch of business would be assisted if two or more amendments were debated simultaneously before being put (separately) to the vote.

- 15.6.3. If an amendment is not carried, other amendments to the original motion may be moved.
- 15.6.4. A member shall not, without the consent of Council, propose more than one amendment.
- 15.6.5. If an amendment is carried the motion as amended shall become the substantive motion to which further amendments may then be proposed.
- 15.6.6. Any subsequent amendments shall be acceptable only where, in the opinion of the Chair, they differ significantly from the amendment(s) previously rejected.
- 15.6.7. If any amendment is carried the proposer of any amendment on notice yet to be discussed shall be offered the opportunity to amend her/his amendment in the light of the new substantive motion.
- 15.6.8. After an amendment has been carried, the Chair will ensure that members are clear on the wording of the amended motion and, if necessary, read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

### **15.7. Alteration of Motion**

- 15.7.1. A member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 15.7.2. Only alterations which can be made as an amendment may be made (see Rule 15.6 above).

### **15.8. Withdrawal of Motion**

A motion or amendment once proposed shall not be withdrawn except with the agreement of the seconder and the consent of the Council. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **15.9. Right of Reply**

- 15.9.1. The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.

- 15.9.2. If an amendment is moved, the mover of the original motion has the right of reply immediately before the amendment is put to the vote, but may not otherwise speak on it.
- 15.9.3. The mover of the amendment shall have a right of reply immediately prior to that final right of reply.
- 15.9.4. A member exercising a right of reply shall not introduce new matter.

#### **15.10. Motions Which May be Moved During the Debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- 15.10.1. to withdraw a motion;
- 15.10.2. to amend a motion (see Rule 13.5.6 and Rule 14.1 (vi));
- 15.10.3. to adjourn the debate;
- 15.10.4. to adjourn the meeting;
- 15.10.5. to exclude the public and press in accordance with the Access to Information Rules; and
- 15.10.6. to not hear further a member named under Rule 22.3 or to exclude him/her from the meeting under Rule 22.4.

#### **15.11. Closure Motions**

- 15.11.1. A member who has not already spoken may move, without comment, at the end of a speech of another member 'that the question be now put'.
- 15.11.2. A member who has not already spoken may move, with explanation, at the end of a speech of another member to adjourn the debate.
- 15.11.3. If a motion 'that the question be now put' is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote save that any member who has already spoken during the preceding debate shall be precluded from voting on this procedural motion. If it is passed, subject to the relevant Cabinet member having a right to speak immediately prior to the right of reply, s/he will give the mover of the original motion a right of reply before putting her or his motion to the vote.

### **15.12. Point of Order**

A member may raise a point of order at any time. The Chair will hear her/him immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the Council Procedure Rule or law and the way in which s/he considers it has been breached. The ruling of the Chair on the matter will be final.

### **15.13. Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **15.14. Time Limit for Debate**

15.14.1. Each debate on a motion (including any amendments) shall be subject to a time limit, which shall be determined by the Chair following publication of the agenda and following consultation with Group Leaders at the pre-meeting briefing meeting. The respective time limits shall be determined having regard to the overall content of the agenda and on the basis of an initial presumption of a maximum of 30 minutes for any one debate (excluding themed debates, where a maximum of 2 hours shall be applied), and shall be notified to members through the published Schedule of Business; provided that the Chair may extend the time limit for debate on a motion if, during the debate, the Chair thinks it desirable to allow extra time for that debate but only to take up time gained on the early despatch of previous business. At the conclusion of the time allocated to a debate, the Chair will draw the attention of the meeting to this Rule. The debate shall immediately be concluded as if the motion “that the question be now put” had been moved and carried in accordance with Rule 15.11.3 above, subject to the right of any seconder who has reserved her/his speech until later having the right to speak before the rights of reply are exercised.

15.14.2. Where an item on an agenda (for example the Report of the Cabinet) contains a number of items of business or where items of business (for example Motions on Notice) have been grouped together on an agenda each such item or grouping shall be deemed to constitute a ‘category’ of business. In such circumstances the Chair, following publication of the agenda and subsequent consultation with Group Leaders, shall determine an overall time limit to be applied to each such category. The time limits so allocated shall be determined and notified in accordance with the arrangements set out at Rule 15.14.1 above. Any business which remains unfinished at the expiry of the time set down shall be deferred either to an adjourned meeting, to the next scheduled meeting or to an additional, extraordinary meeting.

The destination of such deferred business shall be determined by the Chair. This does not apply to Motions of Notice received in accordance with Rule 13 above not proposed and seconded in accordance with Rule 15.1 above, which shall be considered to be dropped.

15.14.3. It shall be the duty of the Chair to ensure as far as possible that all points of view are heard and that repetition is avoided.

15.14.4. The decision of the Chair on all questions relating to the conduct of the meeting, the relevance and regularity of the proceedings and her/his interpretation of the Procedure Rules shall be final.

## **16. Previous Decisions and Motions**

### **16.1. Motion to Rescind a Previous Decision**

No motion or amendment to a motion to reverse a decision made at a meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 10 members (including the proposer).

### **16.2. Motion Similar to One Previously Rejected**

No motion or amendment to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 10 members (including the proposer). Once the Council has determined such a motion or amendment, no one may propose a similar motion or amendment within a further period of twelve months.

**16.3.** The requirements in Rules 16.1 and 16.2 above shall not apply where the motion in question arises from the recommendation of the Cabinet or a committee.

## **17. Voting**

17.1 Unless this Constitution provides otherwise, any matter will be decided by either a clear majority of those present in the room by a show of hands (nem con) or by an electronic vote which shall record each member and how they have voted. Members shall not be entitled to have their vote counted or recorded unless, when the vote is commenced, they are in a seat in the Council Chamber.

17.2 The outcome of the vote shall be recorded by number of votes in the minutes and a detailed copy of the votes (names of members and how they voted) shall be placed on the Council's website.

17.3 The Chair shall have discretion as to the voting method to be adopted.

## **17.4 Recorded Vote**

- 17.4.1 If the Chair or seven members, by standing in their places so require (whether before or after a show of hands or electronic vote, but before the next business has commenced) a named vote shall be taken when each member shall be called upon to register his/her vote electronically for or against the motion (or, if required by the Chair, saying 'yes', 'no' or 'abstain'). Where a member makes an error in registering his/her vote s/he may rectify the error provided this is done before the electronic vote has closed (or the next member has been called upon to vote). The Chair will clarify with Council that all members have voted prior to closing the vote.
- 17.4.2 Where a named vote is taken the names of those members voting for and against the motion and those members abstaining from voting shall be recorded in the minutes.
- 17.4.3 Where under Rule 17.4.1 above, a named vote is taken after an electronic vote or show of hands, the named vote is a separate vote for the purposes of Rule 17.1.1 above and shall take precedence over the earlier determination.

## **17.5 Budget Meeting**

Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

## **17.6 Right to Require Individual Vote to be Recorded**

Where any member requests it immediately after a vote is taken, h/his/her vote will be so recorded in the minutes to show s/he voted for or against the motion or abstained from voting.

## **17.7 Chair's Casting Vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

## **17.8 Voting on Appointments**

- 17.8.1 Where a vote is required on an election or appointment and two persons are nominated, the Chair shall call for an electronic vote on the first nomination, followed by an electronic vote for the second nomination. No member shall vote for both nominees.

17.8.2 Where a vote is required on an election or appointment and more than two persons are nominated the following procedure shall apply:

- (i) members will be invited to vote for one of the nominees;
- (ii) if one nominee secures an absolute majority of those present and voting, s/he shall be declared elected/appointed;
- (iii) if no nominee secures an absolute majority of those present and voting, the nominee with the least number of votes shall be eliminated from the contest;
- (iv) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting.

## **17.9 Division Bell**

No question shall be put to the vote until 1½ minutes have elapsed from the time the division bell is first rung, unless the Chair determines that it is appropriate immediately to proceed to the vote.

## **18. Minutes**

### **18.1. Signing the Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting(s) be signed as a correct record. The only part of the minutes that can be discussed at this point in the meeting is their accuracy.

### **18.2. No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting**

Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing minutes) of that Schedule.

### **18.3. Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order that they were put to the meeting.

## **19. Record of Attendance**

All members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

## **20. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8 of this Constitution or Rule 21 (Disturbance by Public).

## **21. Disturbance by Public**

### **21.1. Removal of Member of the Public**

If a member of the public interrupts proceedings at any meeting, the Chair shall warn her/him. If s/he continues the interruption, the Chair will order her/him to leave the meeting room. If s/he does not leave, the Chair shall order her/him to be removed. If a member of the public persistently creates a disturbance, the Chair may adjourn the meeting for fifteen minutes or as long as s/he thinks necessary.

### **21.2. Clearance of Part of Meeting Room**

In the event of general disturbance by the public at a meeting the Chair shall order part or all of the area occupied by the public to be cleared and may adjourn the meeting for fifteen minutes or as long as s/he thinks necessary.

## **22. Members' Conduct**

### **22.1. Standing to Speak**

A member of the Council, unless disabled, shall stand when speaking and shall address the Chair. If more than one member rises to speak the Chair shall determine the order of speaking. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a personal explanation.

### **22.2. Chair Standing**

If during the meeting the Chair rises all other members shall be seated and remain silent.

### **22.3. Member not to be Heard Further**

If a member in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the Chair, by using offensive expressions or gestures, or by otherwise behaving improperly or obstructing the business of the meeting, the Chair may require that the member named withdraws any offensive expression or gesture and may also move that the member named be not further heard. If seconded, this motion shall be put to a vote without debate. If carried, the member named shall not speak further at the meeting.



#### **22.4. Member to Leave the Meeting**

If the member continues to behave improperly after such a motion is carried, the Chair may move either that the member named shall leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion shall be put to a vote without debate. If required by a vote of the Council, the member named shall immediately leave the meeting.

#### **22.5. General Disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for fifteen minutes or for as long as s/he thinks necessary.

### **23. Suspension and Amendment of Council Procedure Rules**

#### **23.1. Suspension**

All of these Council Rules of Procedure except Rule 17.5 and Rule 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

#### **23.2. Amendment**

Unless arising directly from a recommendation from the Cabinet, a committee of the Council or an officer, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **24. Application to Committees and Sub-Committees**

**24.1.** All of the Council Rules of Procedure apply to meetings of full Council but do not apply to meetings of the Cabinet or meetings of scrutiny committees except as expressly stated in the Cabinet Procedure Rules and Scrutiny Procedure Rules respectively.

**24.2.** Where relevant and subject to any necessary changes of terminology (e.g. sub-committee for committee) the following Rules only shall apply to meetings of committees and sub-committees.

Rule 1.1.2 (i) – (vi), (xi) and (xii)

Rule 2.2 (i) – (iv), (vi), (xii) and (xiii)

Rules 3 and 4

Rules 6 – 8 (as far as is practicable)

Rule 10

Rule 14 (with the addition of ‘amend a motion’ at 14.1)

Rule 15 (with the exception of 15.14.1 and 15.14.2 and subject to the Chair's discretion to allow a member to speak for longer than the times stated in 15.4.2 or to speak more than once in the interests of a better informed debate)  
Rules 17–23 (with the exception of 17.7 and 23.1)

**ANNEX 1****LOCAL PUBLIC BODIES**

Local 'public bodies' referred to in Rule 13<sup>9</sup> (others may be added by Secretary of State by Order)

- District councils
- The Environment Agency
- Natural England
- Fire and rescue authorities
- Jobcentre Plus
- The Health and Safety Executive
- Youth Offending Teams
- Police authorities
- Chief Officer of Police
- Local Probation Boards
- Probation Trusts and other providers of probation services
- Primary Care Trusts
- National Health Service Trusts
- NHS Foundation Trusts
- Joint Waste Authorities
- Joint Waste Disposal Authorities
- Regional Development Agencies
- The Learning and Skills Council
- Sport England
- English Heritage
- Arts Council
- Museums, Libraries and Archives Council
- Highways Agency

---

<sup>9</sup> Bodies which are not of relevance to Oxfordshire for this purpose are The Broads Authority, National Park Authorities, Transport for London and Metropolitan Passenger Transport Authorities.

# Virtual Meetings Procedure Rules

The County Council's formal meetings have returned to in-person meetings in physical settings. This means that voting members of the meetings must be present in the room in person. This is not the case for members of the public who have registered their wish to speak at a formal meeting or to present a petition: these can be done in person, but these engagements can also take place virtually where the Council has chosen to enable an online means of attending.

As such, the former Virtual Meetings Procedure Rules have been revoked apart from the following paragraphs relating the arrangements for handling requests from those wishing to speak or present petitions either in person or virtually where this facility is made available. These provisions have been retained in order to enable the Council to manage the use of physical space in the meetings and to enable time to discuss arrangements with potential speakers and petitioners.

## 1. Petitions and Public Address

Where a meeting is held virtually, members of the public will be able to participate in the following ways.

### 1.1 Public Speakers

Any person may address via the platform provided the Council, Cabinet or other Council Committee or an item in the agenda for not more than 5 minutes provided that

- (i) notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am **four** working days before the meeting; and
- (ii) a written copy of a statement may be provided ahead of the meeting so that it can be read out on the person's behalf in the case of a failure of technology.

This should be no longer than 1 A4 sheet; that is, capable of being read out within the time limit allowed by the Chair for speaking.

### 1.2 Petitions

Any person (other than a member of the Council) may present a petition at a Council meeting provided that:

- (i) notice of the desire to present the petition and the wording of the petition is given to the Proper Officer not later than 9.00 am **four** working days before the meeting; and

- (ii) the Petition is emailed to the Committee Officer named on the agenda 2 working days prior to the meeting.

When petitions are presented the presenter shall have the right to address the Council for not more than 3 minutes in support of the petition. Where a meeting is held virtually, and the addressee is unable to participate remotely their written submission will be accepted. This should be no longer than 1 A4 sheet. Notification requirements remain the same as set out above.

**Appendix 1*****Other Provisions***

<b>Rules</b>		<b>Impact/Amendment of Virtual Meeting Procedure Rules</b>
CPR 21	Requirement for a member of the public to leave the room in the event of a public disturbance and for clearance of the room	Leaving the room to include removal from the virtual meeting.

# Budget and Policy Framework Procedure Rules

## 1. The Framework for Cabinet Decisions

The Council will be responsible for the approval or adoption of its Budget and of each plan and/or strategy comprised in the policy framework. Once a budget, plan or strategy is in place, it will be the responsibility of the Cabinet to implement it.

## 2. Process for Developing the Framework

The process by which the budget and each plan and/or strategy comprised in the policy framework shall be developed is as follows:

- (a) The Cabinet will prepare proposals for the budget, plan or strategy in hand in accordance with a timetable which has regard to the steps which will be required to be undertaken in relation to that budget, plan or strategy and the date by which it must have been approved or adopted in accordance with the law, ministerial direction, government guidance or other relevant requirement.
- (b) In preparing the proposals the Cabinet will canvass the views of members of the public, local stakeholders and others as appropriate and in a manner suitable to the budget, plan or strategy under consideration. Any representations made to the Cabinet shall be taken into account in formulating the proposals, and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Committee has previously carried out a review of policy, then the outcome of that review will be taken into account in the preparation of the proposals.
- (c) Before the Cabinet finalises its proposals for submission to the Council, the relevant Overview and Scrutiny Committee shall be invited to consider and advise the Cabinet on the formulation of the proposals. For this purpose, the Proper Officer will place an appropriate item, with such draft proposals and other supporting information as may be available, on the agenda of the relevant Overview and Scrutiny Committee. The Scrutiny Committee may canvass the views of any person or persons, if it considers it appropriate to do so having regard to the need not to duplicate any consultation carried out by the Cabinet.
- (d) The Proper Officer will ensure that the Scrutiny Committee is given the opportunity in time, and with sufficient information, to consider the item and report to the Cabinet on the outcome of its deliberations before the date specified in the Forward Plan on which the Cabinet expects to finalise its proposals for submission to the Council.

- (e) The Cabinet shall take into account any recommendations from the Scrutiny Committee in finalising its proposals for submission to the Council for consideration. In submitting the proposals the Cabinet will report to the Council on how it has taken into account any recommendations from the Scrutiny Committee.
- (f) Subject to paragraphs (g) to (o) below<sup>1</sup>, the Council, having considered the proposals of the Cabinet, may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the relevant Overview and Scrutiny Committee.

### **Council objections to submitted plan or strategy**

- (g) Where the Council has any objections to a draft plan or strategy submitted to it by the Cabinet, before the Authority –
  - (i) amends the draft plan or strategy;
  - (ii) approves the plan or strategy for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval (whether or not in the form of a draft) if it is one of which any part is required to be so submitted; or
  - (iii) adopts the plan or strategy (with or without modification),

it must inform the Leader of the Council of those objections and must give to him/her instructions requiring the Cabinet to reconsider the draft plan or strategy, in the light of those objections.
- (h) Where the Authority gives instructions in accordance with paragraph (g) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader may:
  - (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or
  - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (i) When the period specified by the Council in accordance with paragraph (h) above has expired, the Council must, when –
  - (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
  - (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or

---

<sup>1</sup> Paragraphs (g) to (m) are prescribed by *The Local Authorities (Standing Orders) (England) Regulations 2001*



strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

- (iii) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified. The Council shall make its final decision on the basis of the majority of members present and voting at the meeting and the decision shall be effective immediately.

### **Council objections to submitted budget proposals**

- (j) Subject to paragraph (n) below, where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year -
  - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF and 52ZJ of the Local Government Finance Act 1992;
  - (ii) estimates of other amounts to be used for the purposes of such a calculation;
  - (iii) estimates of such a calculation; or
  - (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
 and following consideration of those estimates or amounts the Council has any objections<sup>2</sup> to them, it must take the action set out in paragraph (k) below.
- (k) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (j)(i), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (l) Where the Authority gives instructions in accordance with paragraph (k) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader may:

---

<sup>2</sup> 'Objections' under this section is to be taken as meaning that the objection is to the basis of the calculation and not to the budget proposals.

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
  - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (m) When the period specified by the Council in accordance with paragraph (l) above has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (j)(i), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
  - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (ii) the Cabinet's reasons for those amendments;
  - (iii) any disagreement that the Cabinet has with any of the Council's objections; and
  - (iv) the Cabinet's reasons for that disagreement,

which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified. The Council shall make its final decision on the basis of the majority of members present and voting at the meeting and the decision shall be effective immediately.

- (n) Where the Council intends to make a calculation of Council Tax for a financial year that exceeds the limit specified by the Secretary of State for the year in question (under Section 52ZC of the Local Government Finance Act 1992) then the Council must comply with the provisions set out in Chapter 4ZA<sup>3</sup> of the Local Government Finance Act 1992.
- (o) In the foregoing paragraphs of this Rule "working day" means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning (and "bank holiday" means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971).

---

<sup>3</sup> As amended by the Local Audit and Accountability Act 2014 (Section 41). This amended Chapter 4ZA to include the cost of levies within a billing or major precepting authority's calculation of whether its council tax is excessive, and so requires a council tax referendum to be held. In effect, this amends the meaning of 'relevant basic amount of council tax' which is the primary trigger for council tax referendums from the previous definition which excluded levies, to one that includes levies.

### **3. Budget Virements and In-Year Changes to the Policy Framework**

In approving a budget, plan or strategy, the Council will specify the extent of virement within the budget and degree of in-year changes to the plan or strategy which may be undertaken by the Cabinet. The virement rules are set out at Part 3.3 of this Constitution. Any other changes to the budget or policy framework are reserved to the Council, other than any changes necessary to ensure compliance with the law, ministerial direction, or government guidance.

### **4. Decisions Outside the Budget or Policy Framework**

- (a) Subject to any permitted virement and in-year changes as mentioned in paragraph 3, anybody or person discharging functions may only take decisions which are in line with the Budget and Policy Framework. Any decision, which is contrary to or not wholly in accordance with the Budget or Policy Framework as approved by the Council, may, subject to paragraph 5 below, only be taken by the Council.
- (b) If anybody or person discharging functions wishes to make a decision which may be contrary to or not wholly in accordance with the budget or policy framework as approved by the Council, they or s/he shall take advice from the Monitoring Officer and/or the Chief Finance Officer. If the advice of either of those officers is that the decision would not be in accordance with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 shall apply.

### **5. Urgent Decisions Outside the Budget or Policy Framework**

- (a) The Cabinet and any other body or person discharging executive functions may take a decision which is contrary to or not wholly in accordance with the budget or policy framework as approved by the Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if consent has been given to the decision being taken as a matter of urgency by the Chair and Deputy Chair of relevant Overview and Scrutiny Committee (or by the Chair and/or Vice-Chair of the Council in the absence of one or both of them).

The reasons why it is not practical to convene a quorate meeting of full Council, and why consent was given to the decision being taken as a matter of urgency, must be noted on the record of the decision.

- (b) Following the decision, the decision maker will make a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## 6. Call In of Decisions Outside the Budget or Policy Framework

- (a) Where the relevant Overview and Scrutiny Committee is of the opinion that a decision is, or if made would be, contrary to or not wholly in accordance with the Budget or Policy Framework as approved by the Council, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be sent to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to or not wholly in accordance with the budget or policy framework as approved by the Council, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:-
  - (i) *endorse a decision or proposal of the decision maker as falling within the existing budget and policy framework.* In this case no further action is required, save that the decision of the Council shall be minuted and circulated to all councillors in the normal way; **OR**
  - (ii) *amend the budget or policy framework to accommodate the decision or proposal of the body or person responsible for that function and agree the decision with immediate effect.* In this case, no further action is required save that the decision of the Council shall be minuted and circulated to all councillors in the normal way; **OR**
  - (iii) *where the Council accepts that the decision or proposal is contrary to or not wholly in accordance with the budget or policy framework as approved by the Council, and does not amend the existing budget or policy framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.*

# Virement Rules

## 1. Introduction

- 1.1. The Council's budget is the financial expression of its plans and policies. The virement process allows budgets to be adjusted to reflect changes in those plans and policies throughout the financial year. The use of virements is intended to enable directorates to manage budgets with a degree of flexibility while at the same time ensuring that these remain consistent with the overall policy framework determined by Council.
- 1.2. Under the Constitution the Council is required to specify the extent of virement within the approved budget which may be undertaken by the Cabinet or delegated to officers. Any other changes to the budget are reserved to the Council, other than any changes necessary to ensure compliance with the law, ministerial direction or government guidance.
- 1.3. Virements for these purposes is taken to include:
  - the transfer of budget provision between budget heads as set out in budget approved by Council each February prior to the start of the financial year;
  - changes to gross income and gross expenditure budgets;
  - changes arising from additional non-ringfenced grant income notified in year;
  - transfers between revenue and capital budgets; and
  - the transfer of funds from general balances or contingency by way of supplementary estimate.
- 1.4. Virements can be temporary virements only affecting the current financial year or permanent, affecting the current financial year and all future years.
- 1.5. No expenditure shall be incurred without appropriate budget provision and, if necessary, a virement should be undertaken to put this in place before the expenditure is incurred.
- 1.6. No virement relating to a specific financial year should be made after 31 March of that financial year.
- 1.7. Where Cabinet approval is required for a virement, this approval will normally be sought via the monthly 'Business Management and Monitoring Report'. The report must explain the reason for the virement, the proposed expenditure and the source of funding, and set out the implications in the current and future financial years.

## 2. Cumulative Rule

- 2.1. If a proposed virement, together with the total of previous virements within the same financial year, would result in a cumulative increase or decrease that would require approval at a higher level (for example Council rather than Cabinet), the cumulative virement should be reported and approval obtained for the virement that triggers the requirement for cumulative approval, in accordance with the table below. The overall effect of the relevant budget must be noted as part of the request. Once the higher level of approval has been obtained for a cumulative virement the total is reset to zero. This means that any subsequent virement is treated as a new and separate request. Cumulative virements are reset to zero at the end of each financial year.

## 3. Virement Approvals

All virements will be subject to the following approval limits:

Amount	Minimum approval required
<b>Up to and including £0.5m</b> (Subject to the cumulative rule above)	<b>Director</b> (following consultation with the <b>Budget Holder</b> ), <b>Section 151 Officer</b> and relevant <b>Cabinet Member(s)</b>
<b>Greater than £0.5m</b> (Subject to the cumulative rule above)	<b>Cabinet</b> (following consultation with relevant <b>Cabinet Member(s)</b> , <b>Director</b> and <b>Section 151 Officer</b> )
Major Change in Policy and is worth <b>£0.5m or more but less than £1m</b>	<b>Cabinet</b> (following consultation with relevant <b>Cabinet Member(s)</b> , <b>Director</b> and <b>Section 151 Officer</b> ) <b>Officer</b> and relevant <b>Cabinet member(s)</b> ). Section 151 Officer must consider if virements involve a major change in policy)
<b>Any virement that involves a major change in policy and is over £1m</b>	<b>Council</b> (Section 151 Officer must consider if virements involve a major change in policy)

## 4. Exceptions to the virement rules

Exceptions to the virement rules are as follows:

- (i) If **Section 151 Officer** decides a decision by Council or Cabinet is required.
- (ii) Member approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant Finance Business Partner(s). Ringfenced grant funding has to be used for specified purposes. Virements to update income and expenditure budgets to match the grant notification provided by the relevant body can be actioned without further approval.
- (iii) Transfers between revenue and capital will be classed as a change in policy and will require Council approval regardless of the value.

## “Local Choice” Functions

### 1. Distribution of Functions

The functions specified in the table below which, under Regulation 3(1) and Schedule 2 of the relevant Functions Regulations\*, may be discharged either by the Cabinet or by the authority (or a committee or sub-committee of the authority), are to be discharged by the body specified in the right-hand column of the table.

	Function	Body Responsible
(a)	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools; arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals); and arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	The Cabinet
(b)	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning & Regulation Committee
(c)	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning & Regulation Committee or the Cabinet (according to responsibility for the substantive matter in hand)
(d)	The making of agreements for the execution of highways works.	Planning & Regulation Committee
(e)	<p>The appointment of any individual -</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body;</p> <p>and the revocation of any such appointment.</p>	Remuneration Committee, or the Cabinet in the case of any office or body identified by them as strategic, and noted as such on a list of all relevant offices and bodies from time to time presented to and endorsed by the Council

\* The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended



(f)	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Remuneration Committee or the Cabinet (according to responsibility for the substantive matter in hand)
(g)	Oxfordshire Act 1985: functions in relation to highways etc under Sections 6,8,10 and 23.	The Cabinet
(h)	Oxfordshire Act 1985: agreements with developers under section 4; regulatory functions in relation to highways under Sections 9, 11 and 12.	Planning & Regulation Committee
(i)	Oxfordshire Act 1985: functions in relation to the county superannuation fund under section 21.	Pension Fund Committee
(j)	The determination of an appeal against any decision made by or on behalf of the authority.	Audit & Governance Committee

# Agency, Partnership and Joint Arrangements

## 1. Arrangements to Promote Well-Being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

## 2. Agency Arrangements

- (a) The Council may make arrangements with any other local authority whereby that other authority will exercise non-executive functions of the Council.
- (b) The Cabinet may make arrangements with any other local authority (or the executive of that authority if it is operating executive arrangements) whereby that other authority (or executive) will exercise executive functions of the Council.
- (c) No arrangements made under (a) or (b) above prevent the Council or the Cabinet from exercising the functions which are the subject of the arrangements.
- (d) The arrangements currently existing are listed in Schedule 1.

## 3. Partnerships

- (a) The Council participates in a range of partnerships. In some cases, such as the Health and Wellbeing Board and the Safeguarding Children Board, these are a statutory requirement. Others are voluntary partnerships and all help to co-ordinate and join up organisational effort across the public sector and with other local bodies.
- (b) The Oxfordshire Partnership is the over-arching strategic partnership for the county. It brings together organisations from the public, private, voluntary and community sectors to focus their efforts on the issues of importance to those who live, work, and visit Oxfordshire; and to discuss how we can work together to address the challenges we face. Its aims are set out in ***Oxfordshire 2030***.
- (c) The Oxfordshire Partnership meets on a bi-annual basis.

- (d) The Council participates in various Oxfordshire-wide partnerships which are critical in progressing key county-wide priorities across the themes of economic growth, health, and wellbeing, thriving communities and support to the most vulnerable. Each of these Partnerships (included in Schedule 3) are required to report annually to Full Council. This report requires Partnerships to tell the Council:
- Their current focus
  - Key achievements in the last year
  - Aims for the year ahead
  - Key challenges
  - Outline of governance arrangements
- (e) The Partnership Report also includes information from a range of partnerships which do not have a formal requirement to report back to the Council, but on which the Council is represented. This includes in particular the Local Enterprise Partnership.

#### **4. Joint Arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.
- (c) Except as set out below, only Cabinet Members may be appointed to a joint committee which is responsible for discharging executive functions, and those members need not reflect the political composition of the local authority.<sup>1</sup>
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
- (i) Where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population, the Cabinet may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.
  - (ii) Where the joint committee is between the Council and a single district council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet of the County Council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly

---

<sup>1</sup> Section 20 of the Local Government Act 2000

contained within the area. In both of these cases the political balance requirements do not apply to the appointments.

- (e) The joint committees currently existing are listed in Schedule 2.

## **5. Access to Information**

- (a) If all the members of a joint committee are members of the Executive in each of the participating authorities, then its access to information regime is the same as that which applies to the Executive.
- (b) If the joint committee contains members who are not on the Executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

## **6. Contracting Out**

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer, and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## Schedule 1 – Agency Arrangements

	Partner Authority	Function
(a)	Cherwell District Council	<ul style="list-style-type: none"> <li>(i) Verge, tree, and hedge maintenance.</li> <li>(ii) Adoption of private streets.</li> <li>(iii) Administration of Advance Payments Code.</li> <li>(iv) Recovery and disposal of abandoned vehicles.</li> <li>(v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.</li> <li>(vi) Highway verge maintenance (grass cutting)</li> </ul>
(b)	Oxford City Council	<ul style="list-style-type: none"> <li>(i) Promotion and implementation of minor highway and traffic measures funded from developer contributions.</li> <li>(ii) Recovery and disposal of abandoned vehicles.</li> <li>(iii) Highway verge maintenance (grass cutting)</li> </ul>
(c)	South Oxfordshire District Council	<ul style="list-style-type: none"> <li>(i) Recovery and disposal of abandoned vehicles.</li> <li>(ii) Administration of specified on-street pay &amp; display parking places, Wallingford.</li> <li>(iii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.</li> </ul>
(d)	Vale of White Horse District Council	<ul style="list-style-type: none"> <li>(i) Verge, tree, and hedge maintenance.</li> <li>(ii) Adoption of private streets.</li> <li>(iii) Administration of Advance Payments Code.</li> <li>(iv) Recovery and disposal of abandoned vehicles.</li> <li>(v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.</li> <li>(vi) Highway verge maintenance (grass cutting)</li> </ul>

(e)	West Oxfordshire District Council	<ul style="list-style-type: none"> <li>(i) Verge, tree, and hedge maintenance.</li> <li>(ii) Adoption of private streets.</li> <li>(iii) Administration of Advance Payments Code.</li> <li>(iv) Recovery and disposal of abandoned vehicles.</li> <li>(v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.</li> <li>(vi) Highway verge maintenance (grass cutting)</li> </ul>
(f)	All Town & Parish Councils (Subject to specific agreement in each case)	<ul style="list-style-type: none"> <li>(vii) Removal of unauthorised signs from the highway.</li> <li>(viii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.</li> <li>(ix) Highway verge maintenance (grass cutting)</li> </ul>
(g) (h) (i)	Abingdon Town Council Henley Town Council Thame Town Council	Administration of specified town centre on-street parking schemes.

## Schedule 2 – Joint Committees

### Part 1 – Relating to Non-Executive Functions

**Partner Authority(ies)**

None

**Committee**

None

### Part 2 – Relating to Executive Functions

<b>Partner Authority(ies)</b>	<b>Committee</b>
The authorities within the Oxfordshire Local Enterprise Partnership (LEP) i.e., Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council	Oxfordshire Growth Board
Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Surrey and West Sussex Fire Authorities	
Other traffic authorities outside London operating Special and Permitted Parking Areas <sup>2</sup>	National Parking Adjudication Service Joint Committee

<sup>2</sup>As defined in Schedule 3 to the Road Traffic Act 1991

### Part 3 – Relating to Scrutiny Functions

<b>Partner Authority(ies)</b>	<b>Committee</b>
Oxfordshire County Council and the 5 district councils in the County <sup>3</sup>	Oxfordshire Joint Health Overview & Scrutiny Committee

<sup>3</sup>Statutory Committee set up under Section 8(2)(a) of the Health & Social Care Act 2001

## **Schedule 3 – Partnerships**

In addition to its involvement in agency and joint arrangements, the Council participates in the Oxfordshire Partnership, the over-arching strategic partnership for the County.

In practice, the Council engages in various partnerships including:

- Oxfordshire Environment and Waste Partnership
- Oxfordshire Safer Communities Partnership
- Oxfordshire Stronger Communities Alliance
- Oxfordshire Safeguarding Children Board
- Oxfordshire Safeguarding Adults Board



# **The Cabinet**

## **1. Role**

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution by decision of the Council (where there is a choice).

## **2. Form and Composition**

The Cabinet will consist of the Leader of the Council together with at least 2, but no more than 9 other Councillors appointed to the Cabinet by the Leader.

## **3. Leader**

The Leader will be a Councillor elected by the Council to that position. This will normally be at the Annual Meeting following whole council elections. The Leader will hold office for the remaining term of the Council unless:

- (a) they resign from the office; or
- (b) they are no longer a councillor; or
- (c) they are removed from office by resolution of the Council.

In the event that the circumstances in (a) to (c) above occur to create a vacancy in the office of leader of the council, an election to fill the vacancy will be taken at the next ordinary meeting of the Council or at an extraordinary meeting of the Council. In the case of (c) the election to fill the vacancy should occur, where possible, at the same meeting at which the resolution removing the leader is passed. The newly elected leader will remain in office for the remaining term of the Council subject to paragraphs 3(a) to (c).

## **4. Other Cabinet Members**

Other Cabinet Members shall be Councillors appointed by the Leader and notified to the Council. One of the other Cabinet Members will be designated as Deputy Leader. Cabinet Members will hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or
- (c) they are removed from office by the Leader of the Council who must give written notice of any removal to the Proper Officer in writing or by e-mail. The removal will take effect two working days after receipt of notice by the Proper Officer.

## 5. Proceedings of the Cabinet

Proceedings of the Cabinet will comply with the Cabinet Procedure Rules set out at Part 4.2 of the Constitution.

## 6. Responsibility for Functions

The Leader of the Council and other Councillors appointed to the Cabinet will be responsible for the discharge of executive functions, except where arrangements have been made with other local authorities for the exercise by or jointly with them of such functions or any such functions have been wholly or partly delegated to officers of the Council. The Leader of the Council will determine from time-to-time which functions and activities will be the responsibility of each Cabinet Member. The functions and activities currently allocated to the respective Cabinet Members are set out in the following table.

	<b>Cabinet Member</b>	<b>Function</b>
(a)	Leader of the Council	
(b)	Deputy Leader of the Council and Cabinet Member for Children, Education and Young People's Services	Children social care; education; 0-5 offer; youth offer
(c)	Cabinet Member for Corporate Services	Governance and legal; HR and industrial relations; Cherwell partnership agreement; broadband/ICT; customer services; communications
(d)	Cabinet Member for Community Services and Safety	Cultural services: registration service, library service, coroner's service, music service, museum service, history service; fire and rescue service; trading standards; emergency planning; community safety; gypsies and travellers
(e)	Cabinet Member for Climate Change Delivery and Environment	Climate change; waste disposal and recycling centres; countryside operations and volunteers; ecology/archaeology/heritage; waster strategy – TW reservoir; energy strategy; minerals and waste planning; lead flood authority – Oxford flood Alleviation Plan; tree strategy; highways verge management strategy

(f)	Cabinet Member for Highway Management	Highway's delivery operations – structures and maintenance; network management; public rights of way; supported transport; Fix My Street; walking and cycling maintenance; LCWIPs/LTNs; street lighting; travel hubs; public transport – bus strategy/universal payment/maps; cycle parking; school streets; 20 is Plenty implementation; enforcement; car parking strategy
(g)	Cabinet Member for Travel and Development Strategy	Government bids for funding initiatives; infrastructure strategy (OXIS); digital connectivity broadband; regional and strategic infrastructure – capital delivery of major projects; rail – Cowley/Grove/Worcester Line/Witney; connecting Oxford; ZEZs/AQMAs/live digital air quality display; travel hubs; working place levy/congestion charge; waterways; tourism/economic development; HGV weight routes
(h)	Cabinet Member for Finance	Finance; Property; Investment & Procurement
(i)	Cabinet Member for Adult Social Care	Adult social care; carers services; support to people with learning disabilities, physical disabilities services, people living with impact of a brain injury, people living with a long-term condition, older people services, safeguarding adult services, homelessness, hospital discharge; mental health; health partnerships
(j)	Cabinet Member for Public Health and Equality	Public health; COVID renewal; voluntary sector; equalities

## 7. The Responsibilities of the Leader of the Council and Cabinet Members

- (a) The Leader of the Council and each individual Cabinet Member will: -
- (i) be the lead member within the Cabinet for the functions allocated above and will be responsible to the Cabinet and to the Council for the effective discharge of those functions;
  - (ii) be the first point of contact within the Cabinet for members, officers and other persons or organisations with respect to those functions;

- (iii) represent the Cabinet and the Council at meetings or other events with external partners and other organisations connected with the discharge of any of those functions; and
  - (iv) be the public face of the Cabinet and speak for the Cabinet and the Council on those functions.
- (b) In the absence of the Cabinet Member, or if they are unable to discharge their responsibilities for any reason, then the Leader of the Council will either carry out those responsibilities or allocate them to another Cabinet Member. In the absence of the Leader of the Council, the Deputy Leader will act.

## **8. Power to Make Cabinet Decisions**

The Leader of the Council and other Councillors appointed to the Cabinet will be responsible collectively for the discharge of executive functions. The Cabinet may arrange for the discharge of any of its functions:

- (i) by an individual member of the Cabinet;
- (ii) by a committee of the Cabinet;
- (iii) by an officer of the Council;
- (iv) through joint arrangements with one or more other local authorities;
- (v) by another local authority.

## **9. Cabinet Committees**

The functions which any such Cabinet committee is for the time being appointed to discharge, its membership, and the rules under which it is to operate, are set out at Part 4.3 of the Constitution.

## **10. Delegated Decisions by Individual Cabinet Members**

The functions which individual members of the Cabinet are for the time being authorised to discharge, and the rules under which they are to operate, are set out at Part 4.4 of the Constitution.

## **11. Cabinet Advisory Groups**

The functions of Cabinet Advisory Groups, and the rules under which they are to operate, are set out at Part 4.5 of the Constitution.

## **12. Transport Advisory Groups**

The functions of the Transport Advisory Panel, and the rules under which they are to operate, are set out at Part 4.6 of the Constitution.

## Membership of Cabinet and Shadow Cabinet

<b>LEADER OF THE COUNCIL</b>	:	Liz Leffman
<b>DEPUTY LEADER OF THE COUNCIL</b>	:	Liz Brighthouse OBE

### The Cabinet (9)

In addition to the Leader and Deputy Leader of the Council, 9 Cabinet Members as follows: -

Children, Education & Young People's Services	:	Liz Brighthouse OBE
Corporate Services	:	Glynis Phillips
Adult Social Care	:	Tim Bearder
Climate Change Delivery & Environment	:	Dr Pete Sudbury
Highway Management	:	Andrew Gant
Travel & Development Strategy	:	Duncan Enright
Finance	:	Calum Miller
Community Services and Safety	:	Jenny Hannaby
Public Health & Equalities	:	Mark Lygo

\*\*\*\*\*

## **The Opposition**

**LEADER OF THE OPPOSITION** : Eddie Reeves

**DEPUTY LEADER OF THE OPPOSITION** : Donna Ford

## **The Shadow Cabinet (9)**

The following members currently comprise the Shadow Cabinet appointed by the Opposition for the purposes of paragraph 3 of the Protocol on Members' Rights and Responsibilities (Part 9.3 of the Constitution)

### **Cabinet Member Portfolio**

Children, Education & Young People's Services	:	Nigel Simpson
Corporate Services	:	Donna Ford
Community Services and Safety	:	Kevin Bulmer
Climate Change Delivery & Environment	:	Ted Fenton
Highway Management	:	Liam Walker
Travel & Development Strategy	:	Ian Snowdon
Finance	:	David Bartholomew
Adult Social Care	:	Nick Leverton
Public Health & Equality	:	Kieron Mallon

# Cabinet Procedure Rules

## 1. How The Cabinet Operates

### 1.1 Power to make Cabinet decisions

The Leader of the Council may arrange for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer of the Council;
- (v) joint arrangements with one or more other local authorities;
- (vi) another local authority.

### 1.2 Delegation by the Leader

1.2.1 At the annual meeting of the Council, the Leader of the Council will present to the Council a written record of delegations made by her/him for inclusion, as appropriate, in the Council's scheme of delegations at Part 7 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (a) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- (b) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (c) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of the Cabinet Members appointed to them;
- (d) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- (e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.2.2 The Leader of the Council may at any time during the year amend the scheme of delegation relating to Cabinet functions, for instance to remove a Cabinet Member, appoint a Cabinet Member (subject to the legal maximum of Leader and 9 other Cabinet Members), make changes

to the portfolio of any Cabinet Member, or create or wind-up a Cabinet committee but in doing so s/he must give written notice in writing or by e-mail to the Proper Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee or the Cabinet as a whole.

1.2.3 Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on the committee when s/he has given it to the committee chair.

1.2.4 The amendment to the scheme of delegation will take effect two clear working days after receipt of notice by the Proper Officer. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

### **1.3 Sub-delegation of Cabinet functions**

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader of the Council delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader of the Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body which delegated them.
- (e) Where executive functions have been delegated, the body or person to whom they are delegated can decline to discharge some or all of those functions, in which case they will be exercised by the person or body which delegated them.

### **1.4 Conflicts of Interest**

Where the Leader of the Council or any individual Cabinet Member or Members has a conflict of interest in relation to any matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 9 of this Constitution.

If the exercise of an executive function has been delegated to an individual member or a committee of the Cabinet, or an officer, and should a conflict of interest arise, then the function may be exercised by the Cabinet collectively (those Cabinet Members who have an interest



will not participate) and otherwise as set out in the Council's Code of Conduct for Members.

### **1.5 Meetings of the Cabinet**

The Cabinet will meet generally once a month, and/or at such other times as may be agreed by the Leader of the Council. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

### **1.6 Public Access to Meetings of the Cabinet**

Members of the public shall be entitled to attend meetings of the Cabinet in accordance with the Council's Access to Information Rules. In addition to those attendance rights the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda shall apply to meetings of the Cabinet.

### **1.7 Quorum**

The quorum for any meeting of the Cabinet will be 5 members.

### **1.8 How Decisions are to be Taken by the Cabinet**

- (a) Executive decisions will only be taken by the Cabinet as a whole at any meeting which is quorate and has been convened in accordance with the Access to Information Rules approved as part of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

## **2. How Meetings are Conducted**

### **2.1 Who presides?**

If the Leader of the Council is present s/he will preside. In their absence, then the Deputy Leader will preside. In the absence of both, the Cabinet will choose another Cabinet Member to preside.

### **2.2 Who may attend?**

Any member of the Council shall be entitled to attend and observe any meeting of the Cabinet, subject to the provisions in section 7(d) of the Protocol on Members' Rights and Responsibilities at Part 9.2 of this Constitution (in relation to any part of a meeting from which the public has been excluded).

### **2.3 Business**

At each meeting of the Cabinet the following business will, as appropriate, be included on the agenda for the meeting:

- (i) declarations of interest, if any;
- (ii) confirmation of the minutes of the last meeting;
- (iii) receive questions with notice from, and provide answers to, members of the Council (see 3 below);
- (iv) any matters referred to the Cabinet in accordance with the provisions contained in the Budget and Policy Framework Procedure Rules or the Overview and Scrutiny Procedure Rules as set out at Parts 3.2 and 6.2 respectively of this Constitution;
- (v) any reports from Scrutiny Committees (including reports or recommendations from other authorities or co-operating persons or bodies);
- (vi) any reports from a Cabinet Advisory Group;
- (vii) matters set out in the agenda with an indication of which, if any, involve key decisions in accordance with the Access to Information Rules set out at Part 8.1 of this Constitution;
- (viii) updating of the Forward Plan and proposals for business to be conducted at the following meeting; and,
- (ix) any item which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency<sup>1</sup>

---

<sup>1</sup> Regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

## **2.4 Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating directly to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and others and with the relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.5 Putting Items on the Cabinet Agenda**

- (a) Any member of the Cabinet may request the Proper Officer that an item be placed before the Cabinet. The Proper Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration of that item.
- (b) Any member of the Council may make a request through a member of the Cabinet that an item be placed before the Cabinet. If the Cabinet Member endorses the request and so notifies the Proper Officer, that Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration of that item. When any such item is considered by the Cabinet the agenda for the meeting will give the name of the Councillor who asked for the item to be considered. The individual member shall be invited to attend and speak at the meeting during consideration by the Cabinet of that item.
- (c) The Proper Officer will ensure that an item is placed on the agenda of the Cabinet where a relevant Scrutiny Committee or the Council have resolved that an item shall be considered by the Cabinet in accordance with the Budget and Policy Framework Procedure Rules or the Scrutiny Procedure Rules.
- (d) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the Leader of the Council may require that a meeting be convened at which the matter will be considered.
- (e) The Proper Officer will ensure that an item is placed as appropriate on the agenda of Cabinet as a result of a motion at full Council.

### **3. Questions by Members of the Council**

#### **3.1 General**

A member of the Council may ask the Leader of the Council or any other appropriate member of the Cabinet a question upon any matter in respect of the Cabinet's delegated powers.

#### **3.2 Order of Questions**

Subject to the maximum time allowed for councillors' questions with notice at anyone meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chair may group together similar questions.

#### **3.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 9 am on the second working day before the meeting. Each question must give the name of the questioner and must name the member of the Cabinet to whom it is to be put.

#### **3.4 Number of Questions**

Except as set out below the number of questions which may be asked by any councillor at any one meeting is limited to two questions with notice (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total.

The Chair may exercise their discretion around the number of questions, including multi-part questions a councillor may ask, where (taken together) these would not, in the Chair's view, take up the whole of the allotted time or otherwise prejudice any other constitutional rights.

#### **3.5 Scope of Questions**

The Proper Officer may reject a question if it:

- is not about a matter for which the Cabinet has a responsibility;
- is defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Cabinet in the past six months.

If answering a question would require the disclosure of confidential or exempt information, then the Proper Officer shall reply in writing in a confidential manner.

### **3.6 Record of Questions**

- 3.6.1 Questions submitted prior to the agenda being despatched will be shown on the agenda and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member.
- 3.6.2 Where possible, the Cabinet Member will give their reply to the Proper Officer by 12.00 pm on the day of the meeting for inclusion in the Schedule of Addenda to be circulated at the meeting; otherwise, the Cabinet Member shall give a verbal reply at the meeting and, if necessary, a further written response after the meeting.
- 3.6.3 Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda, together with any written response which is available at that time.

### **3.7 Asking the Question at the Meeting**

The Chair will invite the questioner to put the question to the Cabinet Member named in the notice. If a questioner who has submitted a written question is unable to be present, the Cabinet Member's written response will constitute the formal reply on behalf of the Cabinet.

### **3.8 Supplementary Question**

- 3.8.1 The Chair of the meeting will ask the questioner if s/he wishes to ask one supplementary question without notice to the Cabinet Member of whom the first question was asked, subject to Rule 3.4 above.
- 3.8.2 A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 3.5 above.

### **3.9 Response to Supplementary Question**

An answer may take the form of:

- a direct oral or written answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and all Members of the Council.

—

#### **4. Right for members to speak**

- 4.1 The rights of members to speak are set out in Part 9.2 of the Constitution, Protocol on Members Rights and Responsibilities and in Part 3.1, paragraph 13 Council Procedure Rules.
- 4.2 The above rights to address meetings are subject to the Chair's discretion in determining who shall speak, the length of speeches and the order in which they shall be taken.

# Cabinet Committees

## 1. Proceedings of Committees

Any Committee of the Cabinet shall be subject to:

- (a) the Council's and the Cabinet's policies, budget and programme;
- (b) the Access to Information Procedure Rules as they apply to the Cabinet (or, in the case of Rules 13-24, as applied by Rule 12.1);
- (c) the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda;
- (d) the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by Members of the Council) as far as is practicable;
- (e) the provisions of the Protocol on Members' Rights and Responsibilities to the extent specified in that Protocol; and
- (f) the procedure for inclusion of items in the agenda for its meetings set out in paragraph 8(d) of the Protocol on Members' Rights as if it was a Council Committee.

## 2. Individual Committees

- (a) Any such Cabinet Committee shall subject to (c) below comprise such of the Cabinet Members as the Cabinet shall determine.
- (b) The Leader of the Council and Deputy Leader of the Council shall have the right to attend and speak at meetings of the Committee.
- (c) In the absence of any or all the members referred to in (a) above any Cabinet Member(s) nominated by the Leader of the Council or the Deputy Leader of the Council may act in their place as full voting members of the Committee.
- (d) The Committee will meet at such times as shall be agreed by its members. Any member of the Council shall be entitled to attend and observe any meeting of the Committee.
- (e) The Committee shall not be quorate unless two voting members are present.
- (f) The Committee shall appoint one of its members to act as its Chair, but that member shall not be entitled to cast a second or casting vote.
- (g) There shall be a right on the part of any member of the Committee to require the reference of any matter to the full Cabinet for determination.
- (h) Without prejudice to the provisions of the Protocol on Members' Rights and Responsibilities the local member for each division directly affected by a matter to be considered by the Committee shall be entitled to

receive notification of that matter to enable her/him to make her/his views known to the Committee.



# Delegated Decisions by Individual Cabinet Members

## 1. Standing Delegation

Each member of the Cabinet has a general authority to take decisions within her/his given portfolio, except in the following cases (which will fall to the full Cabinet):

- (a) formulation of recommendations to Council on the Budget and Policy Framework;
- (b) material departures from established policies, budget and programme;
- (c) decisions with major implications for more than one portfolio;
- (d) any matters which the portfolio holder wishes to remit to the full Cabinet;
- (e) any matters in which the portfolio holder has a prejudicial interest;
- (f) the regular financial, establishment and performance monitoring reports;
- (g) reports from scrutiny committees on the outcome of full scrutiny reviews;
- (h) recommendations from scrutiny committees following call-in of earlier decisions; and
- (i) any other matters at the request of any other member of the Cabinet.

In the event of a difference of view arising on what constitutes a “material departure” or “major implication”, the Leader of the Council will, if the question cannot be resolved by other means, determine whether or not reference should be made to the full Cabinet, taking account of the advice of the County Director.

## 2. Proceedings

- (a) Any decision by a member of the Cabinet shall be subject to:
  - (ii) the Council's and the Cabinet's policies, budget, and programme;
  - (iii) the Access to Information Procedure Rules as they apply to the Cabinet (or, in the case of Rules 13-24, as applied by Rule 12.1);
  - (iv) the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to

request the opportunity to address meetings on items on the agenda;

the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by Members of the Council) as far as is practicable; and the provisions of the Protocol on Members' Rights to the extent specified in that Protocol.

- (b) Should a Cabinet Member not be able to be present to take decisions within her/his portfolio for which an agenda has already been published, the Leader or the Deputy Leader (or an alternative member of the Cabinet nominated by the Leader) shall be permitted to attend in her/his place. If, however, neither the Leader nor the Deputy Leader (nor any alternative Cabinet Member nominated by the Leader) can be present, the decision shall be made by the Cabinet at its next scheduled meeting unless the original Cabinet Member can be present to take a decision on a date which is before the next meeting of the Cabinet.

# Cabinet Advisory Groups

## 1. Introduction

The Cabinet, or individual Cabinet Members following notification to the Director of Law & Governance may appoint Cabinet Advisory Groups. It is intended that no more than five such Advisory Groups will be appointed at any one time unless particular circumstances necessitate the appointment of additional Groups.

Cabinet Advisory Groups are not formal meetings of the Council and do not have the status of advisory committees under the Local Government Act 1972 Section 102(4).

Cabinet Advisory Groups will assist the Cabinet by focusing on Cabinet-identified priorities linked to the Corporate Plan. They will have the following common terms of reference although their specific remit will be determined by the appointing body/member.

## 2. Terms of reference:

- (i) will explore key policy issues selected by Cabinet and which align to corporate priorities and will make recommendations upon them to Cabinet and/or to the appropriate Cabinet Member;
- (ii) may conduct research, community, and other consultation in the analysis of policy and possible options;
- (iii) may liaise with other organisations operating in the area, whether national, regional, or local, to ensure that policy recommendations are thus enhanced to reflect the interests of local people;
- (iv) will operate as task and finish groups;
- (v) will be chaired by the relevant Cabinet Member as part of their portfolio responsibility or by a nominated vice-chair in his/her absence;
- (vi) will have a membership of approximately 7 members including the chair appointed to it although the precise number may vary according to the issue under consideration;
- (vii) will follow the rules of political proportionality following receipt of nominations from group leaders having regard to:
  - (a) A member's interest in the topic in question;
  - (b) Geographical representation – that is, membership from across Oxfordshire;
  - (c) Cross party – reflecting the balance of the political parties within the Council as a whole;

- (viii) will have quorum of three members one of which should be the Cabinet Member chairing it or its vice-chair;
- (ix) notwithstanding that the Groups are not formal committees of the Cabinet or Council, there will be a presumption that meetings will take place in public; nevertheless, there may be occasions when the Groups may not wish to meet in public having regard to the issues being considered and the exploration of all available options;
- (x) will in any case report formally to the Cabinet and/or to the appropriate Cabinet Member;
- (xi) will meet on the dates and at the times and places determined by the chair of the Group which shall be set as far as possible in advance and notified to members of the Group and if appropriate to the public
- (xii) will operate such that agendas and reports are sent to members of the Groups at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied;
- (xiii) may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;
- (xiv) will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus, if at all possible or by means of a show of hands if necessary.

# Transport Advisory Panel

## 1. Transport Advisory Panel

The Cabinet will appoint a Transport Advisory Panel to support the Cabinet Member for transport with his/her decision-making. The Transport Advisory Panel is not a formal meeting of the Council or Cabinet and does not have the status of an advisory committee under the Local Government Act 1972 Section 102(4). The Transport Advisory Panel will have the following terms of reference.

## 2. Purpose

The Panel will advise the Cabinet member on transport policy developments and will ensure that policies are developed with the needs of Oxfordshire's diverse communities in mind.

## 3. Terms of reference

- (i) will meet at least six times a year;
- (ii) will be chaired by the relevant Cabinet Portfolio holder or by the nominated vice-chair in his/her absence;
- (iii) will follow the rules of political proportionality;
- (iv) will have a membership of 12 members nominated by group leaders and having regard to the aim to create a geographical spread bearing in mind the Council's designated localities;
- (v) will have quorum of four members one of whom should be the Cabinet Member chairing it or its vice-chair;
- (vi) notwithstanding that the Panel is not a formal committee of the Cabinet or the Council, there will be a presumption that its meetings will take place in public; nevertheless, there may be occasions when the Panel may wish to meet in private having regard to the issues being considered and the exploration of all available options;
- (vii) notification of public right to raise will meet on the dates and at the times and places determined by the chair of the Group which shall be set as far as possible in advance and notified to members of the Group;
- (viii) will operate such that agendas and reports are sent to members of the Panel at least five clear days in advance of each meeting and that any public meetings are published as if the access to information rules applied;
- (ix) may give consideration to any petitions received by the Council which may be of relevance to the topic area under consideration;
- (x) will determine their final recommendations to Cabinet and/or the appropriate Cabinet Member by consensus if at all possible or by means of a show of hands if necessary.

# Regulatory and Other Committees

## 1. Regulatory and Other Committees

The Council will appoint the committees set out in the table below and those committees will appoint sub-committees, as also set out in the table, to discharge, in accordance with the policy and budget approved by the Council, the functions which under Regulation 2 and Schedule 1 of the relevant Functions Regulations<sup>1</sup> may not be discharged by the Cabinet, together with those functions under Regulation 3 and Schedule 2 of the Functions Regulations which the Council has determined should not be discharged by the Cabinet. (References in the table to functions are to be interpreted as references to those functions so far as exercisable by a county council).

Committee	Functions
(a) Audit & Governance Committee	<p>(1) The functions relating to elections specified in Section D of Schedule 1 to the Functions Regulations.</p> <p>(2) The functions in relation to the designation of particular officers for certain purposes specified in Paragraphs 39, 40, 43 and 44 in Section I of Schedule 1 to the Functions Regulations.</p> <p>(3) The functions in relation to the approval of the statement of accounts etc specified in Paragraph 45 in Section I of Schedule 1 to the Functions Regulations including the Annual Governance Statement (including Statement on Internal Control).</p> <p>(4) To monitor the risk, control and governance arrangements within the Council, together with the adequacy of those arrangements and those of others managing Council resources:</p> <ul style="list-style-type: none"> <li>- to ensure compliance with relevant legislation, guidance, standards, codes and best practice, whether external or internal;</li> <li>- to provide assurance on the effectiveness of those arrangements both generally and for the purposes of the Annual Governance Statement, including arrangements for reporting significant risks; and</li> </ul>

<sup>1</sup> The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended

- to ensure coordination between internal and external audit plans to maximise the use of resources available as part of a total control assurance framework;

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (5) To consider and comment on the Council's External Auditor's annual work plan, the annual audit letter and any reports issued by the Audit Commission or the Council's External Auditor. Where issues affect the discharge of executive functions, to make recommendations as appropriate to the Cabinet, and where any issues affect the discharge of non-executive functions, to make recommendations to the appropriate Council Committee.

- (6) To systematically monitor:

- the performance and effectiveness of Internal Audit Services processes within the Council, including undertaking an annual review using key performance indicators e.g., client satisfaction, percentage of plan completed, percentage of non-chargeable time;
- the strategic Internal Audit Services Plan and annual work plan, advising on any changes required to ensure that statutory duties are fulfilled;
- resourcing for the service, making recommendations to the Cabinet and Council on the budget for the service;
- arrangements for the prevention and detection of fraud and corruption; and
- the system for Treasury Management

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (7) To promote high standards of conduct by councillors and co-opted members.
- (8) To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members.
- (9) To receive report from member-officer standards panels appointed to investigate allegations of misconduct under the members' code of conduct.
- (10) To advise the Council as to the adoption or revision of the members' code of conduct.
- (11) To implement the foregoing in accordance with a programme of work agreed by the Committee annually in advance, and to report to the Council on the Committee's performance in respect of that programme.
- (12) The Committee will appoint an Appeals & Tribunals Sub-Committee which will have the following responsibilities and membership:

Responsibilities:

- (i) The determination of appeals against decisions made by or on behalf of the authority as specified in Paragraph 2 of Schedule 2 to the Functions Regulations.
- (ii) To hear and determine appeals in cases where the relevant procedure rules require this function to be performed by a formally constituted committee or sub-committee.
- (iii) To hear and determine appeals in other cases under the relevant procedure rules.

Membership:

The Appeals & Tribunal Sub-Committee will meet as needed and its membership will be:

- (i) A member of the Audit & Governance Committee (or substitute)
- (ii) Two other councillors (one being a Cabinet member in the case of Fire Discipline issues)



- (iii) Where the Panel meets to consider home to school transport appeals, the membership of the Panel in that case will consist of one councillor, one officer and one independent person who is not to be a councillor.

(b) Pension Fund Committee

- (1) The functions relating to local government pensions including those specified in Paragraph 1 in Section H of Schedule 1 to the Functions Regulations, together with functions under Section 21 of the Oxfordshire Act 1985 (division of county superannuation fund). Except for the determination, as the Employing Authority, of the benefits for individual applications for early retirement.
- (2) The functions under the Fireman's Pension Scheme including those specified in Paragraph 2 in Section H of Schedule 1 to the Functions Regulations.

(c) Planning & Regulation Committee

- (1) The County Council's functions as local planning authority relating to:
  - development control for minerals and waste planning applications;
  - planning applications by the County Council;
  - enforcement against breaches of planning control;and otherwise relating to town & country planning as specified in Section A of Schedule 1 to the Functions Regulations, Paragraph 47 in Section I of that Schedule, and Paragraph 16 of Schedule 2 to the Functions Regulations.

(2) Licensing and registration functions relating to:

- food safety;
- animal welfare and movement of animals;
- fire safety and safety of sports grounds;
- employment of children;
- nurses' agencies;
- premises for the solemnisation of marriages;
- registration of commons and village greens;
- highways and street works licences and consents;

and otherwise as specified in Section B of Schedule 1 to the Functions Regulations.

(3) The making of agreements for the execution of highways works including those specified in Paragraph 18 of Schedule 2 to the Functions Regulations and agreements with developers under Section 4 of the Oxfordshire Act 1985.

(4) Licensing and consent functions relating to highways and street works including those specified in Sections 9, 11 and 12 of the Oxfordshire Act 1985

(5) The health and safety at work functions (other than in the council's capacity as employer) including those specified in Section C of Schedule 1 to the Functions Regulations.

(6) Public rights of way functions relating to:

- creation, diversion and stopping up of footpaths and bridleways;
- protection from interference and damage;
- review and modification of the Definitive Map;
- access agreements;

and otherwise as specified in Part I in Section I of Schedule 1 to the Functions Regulations

## 2. Discharge of Functions

- (a) Where a committee is specified in the table, the function may alternatively be discharged by the Council. Any function of a kind described in the introduction to paragraph 1 (“non-executive functions”) which is not allocated in the table to a committee is to be discharged by the Council.
- (b) The Council may arrange with one or more other local authorities for the exercise by or jointly with them of any non-executive functions which may lawfully be the subject of such arrangements.
- (c) The Council in the case of any non-executive function, or a committee or sub-committee in the case of a function allocated in the table, may delegate such function to an officer of the Council for the discharge of any of its functions.

## 3. Frequency of Meetings

The Committees will ordinarily meet with the following frequencies:

- (a) Audit & Governance Committee 6 times a year
- (b) Pension Fund Committee 4 times a year
- (c) Planning & Regulation Committee 8 times a year

Additional meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

# Membership of Committees and Sub-Committees

## Audit & Governance Committee (9)

	Liberal Democrat Green Alliance (4)		Conservative Independent Alliance (3)		Labour & Co- operative Party Group (2)		Independent (0)
ch	Smith		Constance	dc	Baines		
	van Mierlo		Leverson		Paule		
	Roberts		Fenton				
	Middleton						

### Non-Voting Co-opted Members (3)

#### *Representative of the Business Community:*

Dr Geoff Jones, PO Box 636, Oxford OX1 9AZ

#### *Independent Members (Complaints handling) (2)*

Dr Sadie Reynolds c/o County Hall, New Road, Oxford OX1 1ND  
1 vacancy

Further details about the Audit & Governance Committee can be found on the Council's website [at this link](#).

\*\*\*\*\*

### **Appeals & Tribunals Sub-Committee\* (3)**

Three Councillors one of whom must be a Member of the Audit & Governance Committee  
(\*when hearing home to school transport appeals, the Sub-Committee consists of an elected member, an officer and an independent person)

\*\*\*\*\*

### **Appointment Sub-Committee (Variable) (6)**

Six Councillors at least one of whom must be a member of the Cabinet

\*\*\*\*\*

### **Fire Service Discipline Sub-Committee (3)**

Three Councillors at least one of whom must be a member of the Cabinet

\*\*\*\*\*

ch - Chair  
dc - Deputy Chair  
sp - Opposition Group Spokesperson

### **Planning & Regulation Committee (12)**

	<b>Liberal Democrat Green Alliance (4)</b>		<b>Conservative Independent Alliance (4)</b>		<b>Labour &amp; Co- operative Party Group (3)</b>		<b>Independent (1)</b>
	Bennett		Bloomfield		Edosomwan		Gawrysiak
	Roberts		Constance		Fadlalla		
	Rouane		Sibley	ch	Saul		
dc	Webber		Snowdon				

Further details about the Planning & Regulation Committee can be found on the Council's website [at this link](#).

\*\*\*\*\*  
\*\*\*\*\*

### **Pension Fund Committee (5)**

	<b>Liberal Democrat Green Alliance (2)</b>		<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co- operative Party Group (1)</b>		<b>Independent (0)</b>
ch	Johnston		Field-Johnson		Edosomwan		
	Howson	dc	Bulmer				

**Non-Voting Representatives (5)**

Shelley Cook – Academy Sector

Alistair Fitt - Oxford Brookes University

Steve Moran - Scheme Member

District Councillor Jo Robb - District Council

Alan Staniforth - Academy Sector

Further details about the Pension Fund Committee can be found on the Council's website [at this link.](#)

\*\*\*\*\*

**Pension Benefits Sub-Committee (3)**

Three Councillors at least one of whom must be a member of the Remuneration Committee

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

# **The Remuneration Committee**

## **1. Remuneration Committee**

The Council will establish a Remuneration Committee.

## **2. Composition**

The Remuneration Committee will comprise six county councillors and membership will be in accordance with the rules on political proportionality.

## **3. Role and function**

- (1) To make recommendations to Council on the content of an annual pay policy statement for each forthcoming year;
- (2) In reviewing and developing recommendations on the annual pay policy statement, to take into account:
  - appropriate independent advice; and
  - the comments of Oxfordshire County Councillors.
- (3) To undertake the functions in relation to the appointment etc. of staff specified in Paragraph 37 in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations (England) 2000, including:
  - the appointment of all Strategic Directors, the Director of Adult Services, the Director of Children's Services and the Director of Finance;
  - making recommendations to Council as to the appointment of the Head of the Paid Service;
  - agreeing changes to the salaries and remuneration of statutory and non-statutory Chief Officers provided such changes are in accordance with the Council's pay policy statement as required by Section 41 of the Localism Act 2011.
- (4) In the case of any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.
- (5) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions Regulations.

- (6) In addition to the recommendation of an annual pay policy statement, to make an annual report to Council on the work of the Committee.

#### **4. Validity of proceedings**

A meeting of the Remuneration Committee shall not be quorate unless at least three members are present for the duration of the meeting.

The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

#### **5. Pension Benefits Sub-Committee**

- (1) The Remuneration Committee will appoint a Pension Benefits Sub-Committee which will have the following functions:
- (i) This Sub-Committee will determine early retirement cases only where the Council has discretion e.g. ill health retirement.
  - (ii) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.
- (2) The Pension Benefit Sub-Committee will meet as needed and its membership will be:
- (i) A member of the Remuneration Committee (or substitute)
  - (ii) Two other members of the Council.

#### **6. Early Retirement**

- (1) The Remuneration Committee delegates consideration and approval of all other early retirement cases (save those delegated to Pension Benefits Sub-Committee) to Council Directors with concurrence from the Director of Human Resources.
- (2) The Remuneration Committee wishes to receive a report each quarter on all redundancies and early retirements including associated costs.

#### **Remuneration Committee (6)**

	<b>Liberal Democrat Green Alliance (2)</b>		<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co- operative Party Group (2)</b>		<b>Independent (0)</b>
ch	Leffman		Reeves	dc	Brighthouse		
	Rooke		Ford		Phillips		

Further details about the Remuneration Committee can be found on the Council's website [at this link.](#)

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson



# Health & Wellbeing Board

## 1. Health & Wellbeing Board

The Council must establish a Health & Wellbeing Board. The Board will be the principal structure in Oxfordshire with responsibility for promoting the health and wellbeing of the people of the county.

## 2. Role and Function

The Health & Wellbeing Board will have the following responsibilities, to be amplified within its own terms of reference:

The Board will:

- (1) Prepare a Joint Strategic Needs Assessment to help determine the priorities and objectives for health and social care services across Oxfordshire
- (2) Prepare a Joint Health & Wellbeing Strategy for the whole population of Oxfordshire to drive the development and delivery of services to meet agreed priorities;
- (3) Oversee the joint commissioning arrangements for health & social care across the county
- (4) Maintain oversight of the commissioning intentions of both the Oxfordshire Clinical Commissioning Group and the Council;
- (5) Generally exercise the functions of the Council and its partner clinical commissioning groups under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- (6) Exercise any other functions of the Council which may be delegated to the Board (other than the functions of the authority by virtue of section 244 of the National Health Service Act 2006);
- (7) Encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.

---

<sup>1</sup> The Board is a committee of the Council by virtue of the Health & Social Care Act 2012 and the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013

<sup>2</sup> <sup>3</sup> In accordance with sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007

- (8) Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- (9) Establish and monitor Partnership Boards as required to help deliver required service change and improved outcomes.

Additionally, the Board may:

- (10) Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health & Wellbeing Board.
- (11) Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
- (12) Give the Council its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act.

### **3. Membership**

The rules on political proportionality do not apply to the Health & Wellbeing Board nor to any sub-committees set up by it. The membership<sup>4</sup> of the Health & Wellbeing Board will be:

- (1) County councillors as nominated to the Council by the Leader of the Council;
- (2) The Leader of Oxfordshire County Council, instead of or in addition to (1), as the Leader may determine;
- (3) Director for Adult Services, Oxfordshire County Council and Director of Strategy & Transformation Oxfordshire Clinical Commissioning Group;
- (4) The Director for Children's Services;
- (5) The Director for Public Health;
- (6) One representative from the Local Healthwatch organisation for the county;
- (7) One representative from Oxfordshire clinical commissioning group.
- (8) A representative of the Thames Valley NHS Commissioning Group;

---

<sup>4</sup> The membership is to be interpreted as the membership specified by Section 194 of the Health and Social Care Act 2012.

- (9) Such other persons, or representatives of such other persons, as the local authority thinks appropriate with the proviso that once the Board is established, the Board will be consulted before such appointments are made;
- (10) Such additional persons as the Health & Wellbeing Board may determine.

In addition, the Head of Paid Service of Oxfordshire County Council and the senior officer of the Oxfordshire Clinical Commissioning Group may also be in attendance.

#### **4. Chairing of Meetings**

Meetings of the Board will be chaired by the Leader of the County Council and the Vice-Chair will be the Clinical Chair of the Oxfordshire Clinical Commissioning Group as notified to the Monitoring Officer. In the absence of either of these persons, the Board will elect a chair for the duration of the meeting unless or until the Chair or Vice-Chair arrive, in which case the Chair or Vice-Chair will preside as appropriate.

#### **5. Voting Rights**

All members of the Board or of any sub-committee (or of any joint sub-committee of two or more such boards) shall be treated as voting members of the Board or sub-committee, unless the Council decides otherwise in any particular circumstance. In which case, before making such a direction, the Council must consult the Board. Notwithstanding this, service provider members of the Board will not have voting rights on the grounds of potential conflicts of interest.

Decisions will be taken by the majority of those present and voting and the Chair of the Board (or sub-committee) will have a second or casting vote.

Notwithstanding the voting rights of members of the Board (or any sub-committee), the meeting will reach its decisions by consensus where possible.

#### **6. Validity of Proceedings**

The Health & Wellbeing Board (and any sub-committees) will operate according to this Constitution and also according to the Terms of Reference for the Board itself.

A meeting of the Health & Wellbeing Board shall not be quorate unless at least a quarter of the voting members are present for the duration of the meeting.

As a committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

## **7. Cabinet and Scrutiny**

The Cabinet may delegate functions to the Health & Wellbeing Boards and may receive recommendations from the Board.

The Health & Wellbeing Board is subject to scrutiny (but not to call-in except in respect of any functions delegated by the Cabinet) by the Council's Joint Health Overview & Scrutiny Committee and, as appropriate, the Council's relevant Overview and Scrutiny Committees.

The Board may also ask a Scrutiny Committee or, with the relevant Portfolio Holder's permission, a Cabinet Advisory Group, to investigate issues relevant to both the Board and the committee or group.

The Board will make an annual report on its work to both the Council, to Cabinet and to the Joint Health Overview & Scrutiny Committee.

## **8. Code of Conduct**

All voting members of the Board (and its sub-committees) are subject to the County Council's Members' Code of Conduct. This includes the requirement to register Disclosable Pecuniary Interests and to declare them, as appropriate at meetings. Should a member have a Disclosable Pecuniary Interest in a matter before the Board (or sub-committee), then the member (unless a dispensation has been received) should declare it and withdraw from the meeting, taking no part in the discussion or voting upon that item.

## **9. Substitution**

Members of the Board may arrange for a named substitute to attend on their behalf. However, any substitutes should reflect the seniority and status of the member making the substitution.

Decisions should not be taken other than by the properly constituted Board; this means that at least a quarter of the original voting membership of the Board should be present when decisions are made.

## **10. Transparency and Openness**

The Health & Wellbeing Board will meet in public at least three times a year. The Board may meet informally, and not in public, at other times e.g. for purposes of brainstorming, board learning & development and workshops.

The public's rights of access to the Board's public meetings will be subject to the Access to Information Procedure Rules (Part 8.1 of the Council's Constitution). These make provisions for the giving of public notice of meetings, access to agendas, reports and minutes, the supply of copies of

such papers, the inspection and purchase of background papers and the circumstances in which the public may be excluded from meetings by virtue of the consideration of confidential or exempt information.

In addition, the Freedom of Information Act 2000 gives a general right of access to information held by public authorities and will extend to information generated by, or for, the Board and held by any public authority.

## **11. Sub-Committees and Informal Working Groups**

In establishing Partnership Boards and a Public Involvement Board, the Health & Wellbeing Board will be mindful of its powers to appoint one or more sub-committees to discharge of any of its functions, with certain conditions. The Board may also appoint advisory groups, working groups or informal 'task and finish groups' to make recommendations to it on any of its functions.

Annex 1 sets out the provisions relating to the appointment of sub-committees and informal working groups and therefore to the appointment of any Partnership Boards and a Public Improvement Board.

## **12. Appointment of Sub-Committees**

The Health & Wellbeing Board may appoint sub-committees. The Board may appoint one or more sub-committees to discharge of any of its functions, with the following conditions:

- (1) Where any functions may be discharged by the Board under 3(2) above, by virtue of section 196(2) of the Health & Social Care Act 2012, (i.e. functions that are exercisable by the authority), then unless the Council otherwise directs, the Board may arrange for the discharge of those functions by a sub-committee of the Board, or an officer, or both.
- (2) Where the Board discharges functions by virtue of any other enactment that section 196(2) of the 2012 Act, then unless the Council directs otherwise, the Board may arrange for the functions to be discharged by a sub-committee of the Board.

In addition, the Board may appoint one or more sub-committees to advise the Board with respect to any matter relating to the discharge of the Board's functions.

The membership of any sub-committees will be for the Board to determine. The sub-committees will operate according to this Constitution and also according to their Terms of Reference as established by the Board.

A meeting of the any sub-committee shall not be quorate unless at least a quarter of its voting members are present for the duration of the meeting.

As a sub-committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

### **13. Appointment of Advisory and Informal Working Groups**

The Board may appoint one or more advisory groups, working groups or other such informal task and finish groups, to assist it with any of its functions. Such groups may make recommendations to the Board (or to the Cabinet or a Scrutiny Committee as appropriate) but no formal powers or duties of the Board may be delegated to them. The membership of such advisor or working groups will be for the Board to determine.

#### **Oxfordshire Health & Wellbeing Board (14)**

Comprising:

Leader of the County Council – Chair;  
ICB Clinical Lead with Oxfordshire responsibilities;  
One representative from each of the District and City Councils within Oxfordshire County Council's area - must be either the Leader or relevant Cabinet Member;  
Cabinet Members of the County Council with responsibility for Adult Social Care, Children & Family Services and Public Health;  
Place Director Oxfordshire ICB;  
Chief Executive Oxford University Hospitals NHS Foundation Trust;  
Chief Executive Oxford Health NHS Foundation Trust;  
Chief Executive Oxfordshire County Council;  
One Chief Executive representative from City & District Councils;  
A Healthwatch representative;  
The Director for Children's Services;  
The Director for Adult Social Care;  
The Director of Public Health;  
An NHS England representative;  
One Primary Care provider representative;  
Such other persons, or representatives of such other persons, as the local authority thinks appropriate with the proviso that once the Board is established, the Board will be consulted before such appointments are made;  
Such additional persons as the Health & Wellbeing Board may determine.

Note: Vice-Chair to be nominated by ICB between their two Board representatives.

Further details about the Oxfordshire Health & Wellbeing Board can be found on the Council's website [at this link](#).

# **The Remuneration Committee**

## **1. Remuneration Committee**

The Council will establish a Remuneration Committee.

## **2. Composition**

The Remuneration Committee will comprise six county councillors and membership will be in accordance with the rules on political proportionality.

## **3. Role and function**

- (1) To make recommendations to Council on the content of an annual pay policy statement for each forthcoming year;
- (2) In reviewing and developing recommendations on the annual pay policy statement, to take into account:
  - appropriate independent advice; and
  - the comments of Oxfordshire County Councillors.
- (3) To undertake the functions in relation to the appointment etc. of staff specified in Paragraph 37 in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations (England) 2000, including:
  - the appointment of all Strategic Directors, the Director of Adult Services, the Director of Children's Services and the Director of Finance;
  - making recommendations to Council as to the appointment of the Head of the Paid Service;
  - agreeing changes to the salaries and remuneration of statutory and non-statutory Chief Officers provided such changes are in accordance with the Council's pay policy statement as required by Section 41 of the Localism Act 2011.
- (4) In the case of any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.
- (5) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions Regulations.

- (6) In addition to the recommendation of an annual pay policy statement, to make an annual report to Council on the work of the Committee.

#### **4. Validity of proceedings**

A meeting of the Remuneration Committee shall not be quorate unless at least three members are present for the duration of the meeting.

The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

#### **5. Pension Benefits Sub-Committee**

- (1) The Remuneration Committee will appoint a Pension Benefits Sub-Committee which will have the following functions:
- (i) This Sub-Committee will determine early retirement cases only where the Council has discretion e.g. ill health retirement.
  - (ii) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.
- (2) The Pension Benefit Sub-Committee will meet as needed and its membership will be:
- (i) A member of the Remuneration Committee (or substitute)
  - (ii) Two other members of the Council.

#### **6. Early Retirement**

- (1) The Remuneration Committee delegates consideration and approval of all other early retirement cases (save those delegated to Pension Benefits Sub-Committee) to Council Directors with concurrence from the Director of Human Resources.
- (2) The Remuneration Committee wishes to receive a report each quarter on all redundancies and early retirements including associated costs.

#### **Remuneration Committee (6)**

	<b>Liberal Democrat Green Alliance (2)</b>		<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co- operative Party Group (2)</b>		<b>Independent (0)</b>
ch	Leffman		Reeves	dc	Brighthouse		
	Rooke		Ford		Phillips		



Further details about the Remuneration Committee can be found on the Council's website [at this link](#).

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

## South East Fire and Rescue Services Regional Management Board (1)

\*\*\*\*\*

## Parking and Traffic Regulations Outside London Adjudication Committee (1)

\*\*\*\*\*

## Thames Valley Police & Crime Panel (1)

	<b>Liberal Democrat Green Alliance (1)</b>		<b>Conservative Independent Alliance (0)</b>		<b>Labour &amp; Co- operative Party Group (0)</b>		<b>Independent (0)</b>
	Webber						

Further details about the Thames Valley Police & Crime Panel can be found on the Council's website [at this link](#).

\*\*\*\*\*

## Future Oxfordshire Partnership Scrutiny Panel (3)

	<b>Liberal Democrat Green Alliance (3)</b>		<b>Conservative Independent Alliance (1)</b>		<b>Labour &amp; Co- operative Party Group (1)</b>		<b>Independent (1)</b>
	Webber		Walker		Baines		

Infrastructure Sub-Group (1): Cllr Liz Leffman  
Housing Sub-Group (1): Cllr Pete Sudbury  
Oxfordshire Plan 2050 Sub-Group: Cllr Duncan Enright  
Environment Sub-Group: Cllr Pete Sudbury

\*\*\*\*\*

## **<sup>1</sup>County Council Representatives on Staff Consultative Bodies**

### **Oxfordshire County Council Joint Consultative Committee for Uniformed Members of the Fire Service (7)**

	<b>Liberal Democrat Green Alliance (3)</b>		<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co- operative Party Group (2)</b>		<b>Independent (0)</b>
	Hannaby		Leverton		Coles		
	Ley		Bulmer		Lygo		
	Rooke						

\*\*\*\*\*

### **Oxfordshire County Council & Teachers' Joint Committee (5)**

	<b>Liberal Democrat Green Alliance (2)</b>		<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co- operative Party Group (1)</b>		<b>Independent (0)</b>
	Graham		Corkin		Brighthouse		
	Gregory		Waine				

\*\*\*\*\*

### **Oxfordshire County Council & Employees Joint Consultative Committee (7)**

	<b>Liberal Democrat Green Alliance (2)</b>		<b>Conservative Independent Alliance (3)</b>		<b>Labour &amp; Co- operative Party Group (2)</b>		<b>Independent (0)</b>
	Middleton		Bartholomew		Paule		
	Rooke		Ford		Phillips		
			Reeves				

\* - Group Spokesperson

# Overview and Scrutiny Committees

## 1. Terms of Reference

The Council will appoint three Overview & Scrutiny committees as set out below.

The Council's Overview & Scrutiny Committees will each meet at least 4 times a year and will have the membership indicated below. The chair of the meetings will be chosen from the Opposition Group.

## 2. General Role

Within their specific terms, each Overview & Scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (v) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (vi) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vii) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (viii) report annually to Full Council on their work and make recommendations for future work programmes as appropriate;

## 3. Performance & Corporate Services Overview & Scrutiny Committee

The Performance & Corporate Services Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

- (i) To review and scrutinise the performance of the Council and to provide a focused review of:
  - (a) Corporate performance and directorate performance and financial reporting
  - (b) Budget scrutiny
- (ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;

- (iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;
- (iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.

#### **4. People Overview & Scrutiny Committee**

The People Overview & Scrutiny Committee will have a membership of 9 county councillors. plus 4 co-opted members. The county councillor membership will be politically proportional.

In addition to the county councillors the People Overview & Scrutiny Committee shall include in its membership the following voting representatives:

- (a) one Church of England representative appointed by the Oxford Diocesan Board of Education;
- (b) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;
- (c) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.

These co-opted members are only able to exercise their vote when the Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.

The terms of reference of the Committee will be:

- (a) To focus on the following key areas:
  - (i) all services and preventative activities/initiatives relating to children, young people, education, families and older people;
  - (ii) enables the council to scrutinise its statutory functions relation to children, adult social care and safeguarding. Includes public health matters where they are not covered by the Joint Health Overview and Scrutiny Committee;
  - (iii) This committee will also consider matters relating to care leavers and the transition between children's and adult services.

## **5. Place Overview & Scrutiny Committee**

The Place Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

Climate change, transport, highways, planning and place-based services. Including the delivery of regulatory services, fire and rescue, community safety and community services such as libraries. NB This Committee will act as the Council's 'Crime and Disorder' Committee.

# Membership of Scrutiny Committees

## People Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (4)		Labour & Co-operative Party Group (2)		Independent (0)
	Graham		Leverton		O'Connor		
dc	Gregory	ch	Corkin		Edosomwan		
	Thomas		Simpson				
			Waine				

### Voting Co-optees (4)

**Representing the Church of England:** Vacancy

**Representing the Roman Catholic Church:** Vacancy

### Parent Governor Representatives:

**Primary:** Vacancy

**Secondary and Special:** Vacancy

Further details about the People Overview & Scrutiny Committee can be found on the Council's website [at this link](#).

\*\*\*\*\*

## Performance & Corporate Services Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (3)		Labour & Co-operative Party Group (3)		Independent (0)
	Fawcett		Mallon		Baines		
	Middleton		Ford		Haywood		
	Rouane Johnston	ch	Reeves	dc	O'Connor		

Further details about the Performance & Corporate Services Overview & Scrutiny Committee can be found on the Council's website [at this link](#).

\*\*\*\*\*

## Place Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (4)		Conservative Independent Alliance (3)		Labour & Co-operative Party Group (2)		Independent (0)
	van Mierlo	ch	Mallon		Baines		
	Povolotsky		Fatemian	dc	Hicks		
	Roberts		Fenton				
	Webber						

Further details about the Place Overview & Scrutiny Committee can be found on the Council's

website [at this link.](#)

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson



# The Oxfordshire Joint Health Overview & Scrutiny Committee

## Constitution, Operating Procedures and Protocols

### 1. The Committee

Oxfordshire County Council has responsibility to “review and scrutinise any matter relating to the planning, provision and operation of the health services in its area” and to make referrals to the Secretary of State about proposals where it considers proposals for service change, or consultations, have been inadequate. It discharges that responsibility to the Oxfordshire Joint Health Overview and Scrutiny Committee (‘the Committee’).

Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (“the Constituent Councils”) have under powers in Section 8(2)(a) of the Health and Social Care Act 2001 and associated Regulations, formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act. The Committee will operate within the administrative County of Oxfordshire and will be geographically co-terminus with the boundary of the Oxfordshire Clinical Commissioning Group - in so far as it serves the County of Oxfordshire:-

The Committee will conduct all of its proceedings in accordance with the relevant Regulations and government guidance and shall operate in accordance with this Constitution and the procedures set out herein. In any case of doubt where any matter is not covered by this Constitution then the Constitution of Oxfordshire County Council shall apply, modified as appropriate.

### 2. Membership

The voting membership of the Committee shall comprise 12 non-executive members of the Constituent Councils. These members will be made up of 7 county councillors and 5 district/city councillors (1 member from each district/city Council). Members should normally serve for a period of 4 years unless they resign or are replaced by the Appointing Council.

Councillors will not be eligible to serve on the Committee if:-

- (1) they become a member of an Executive of one of the Appointing Councils or
- (2) they cease to be a member of the authority which appointed them

In the event of either of these occurring, that Councillor’s membership of the Committee will be terminated accordingly and a new councillor will be appointed by the Appointing Council.

### 3. Co-opted Members

In addition to Councillors the Joint Health Overview & Scrutiny Committee shall, in order to assist it in its work, include in its membership up to three non-voting co-opted members. Such members might be appointed because of the personal contribution they would make to the work of the Committee or to represent health related interests as determined by the Committee from time to time.

Co-opted Members shall normally serve for a period of 2 years. Co-opted members may serve for one further consecutive period of 2 years. In the event of a co-opted member resigning before the expiry of their period of office a new Co-opted member shall be appointed who shall serve for the remaining period of office. If the member no longer represents the interest(s) for which they were appointed, it shall be open to the Committee to terminate that person's membership.

### 4. Terms of Reference

The Committee will discharge the functions conferred by the National Health Service Act 2006 governing the local authority health scrutiny function. The relevant regulations are the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 which came into force on 1 April 2013. The Committee may not discharge any functions other than those conferred by that legislation.

The function of the joint committee is to review or scrutinise within the following framework, health services commissioned or delivered in Oxfordshire, or jointly with any other local authority where such services are commissioned outside Oxfordshire but are delivered to the inhabitants of the County:

1. Review or scrutinise any matter relating to the planning, provision and operation of health services in Oxfordshire. This may include the scrutiny of financial information about the operation of a trust or CCG.
2. Review or scrutinise services commissioned and provided by all relevant NHS bodies and health service providers (including GP practices and other primary care providers such as pharmacists, opticians and dentists and any private, independent or third sector providers delivering services under arrangements made by clinical commissioning groups, NHS England or the local authority) All are known as 'responsible persons' in the Act).
3. Appoint, when needed, a discretionary joint health scrutiny committee to carry out specified health scrutiny functions, for example, health scrutiny in relation to health issues that cross the boundaries of the authority.
4. Appoint, when needed, a mandatory joint health scrutiny committee to carry out specified health scrutiny functions where a relevant NHS body or health service provider consults more than one local authority's health scrutiny function about substantial reconfiguration proposals.
5. The public health arrangements in the area, for example, arrangements for the surveillance of, and response to, outbreaks of communicable disease, or the provision of specialist health promotion services;

6. The arrangements made by relevant NHS bodies for consulting and involving patients and the public under the duty placed on them by Sections 242 and 244 of the NHS Act 2006;
7. Social care services and other health related services jointly commissioned under the Oxfordshire Health and Wellbeing Board's Strategy.

To receive and take account of any relevant information available to it and in particular relevant information provided by Healthwatch Oxfordshire or contractor when it makes a referral to the Committee.

To review and scrutinise any other issues related to health and the population of Oxfordshire.

## **5. Delegation of Functions**

Subject to the requirements of the relevant Regulations and government guidance, the Committee may join with any other local authority or Health Overview and Scrutiny Committee of such authority to form a joint committee. Such body will be able to discharge such functions of that authority or overview and scrutiny committee as may be determined to further the interests of those authorities or committees or is in the interests of the inhabitants of their areas.

The Committee may delegate such of its functions as it wishes to another local authority, subject to such delegation relating to specific issues and the requirements of the relevant Regulations and government guidance.

## **6. Establishment of Working Groups**

The Committee may appoint such Working Groups of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Working Groups will be made by the Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

## **7. Meetings of the Scrutiny Committees**

The Committee shall meet at least five times each year. In addition, other meetings may be called as and when required. A Scrutiny Committee meeting may be called by the Chair of the Committee following consultation with the Deputy Chair; by one third of the members of the Committee; or by the Proper Officer if s/he considers it necessary or appropriate.

The dates for and notices of all meetings of the Committees shall be published as required by Part VA of the Local Government Act 1972. If there is insufficient business a scheduled meeting may be cancelled by the authorised officer following consultation with the Chair and Deputy Chair of the Committee.

Where a Councillor appointed to the Joint Committee is unable for any reason to attend a meeting s/he shall be able to be substituted at that meeting by another non-executive Councillor from the Appointing Council where that Council has rules which permit such substitution. Where there are rules, such substitution shall be in accordance with those rules. However, in the interests of maintaining continuity and the development

of experience and knowledge in the functions of the Committee such substitution should be discouraged. Where substitution does take place, it shall be the duty of the member of the Committee to ensure that his/her substitute is adequately briefed on the matters to be considered at the meeting. Substitution will not apply to any Working Groups appointed by the Committee.

## **8. Chair and Deputy Chair**

The Chair of the Joint Committee shall be drawn from the County Council members of it and will normally be elected on an annual basis following the annual meeting of Oxfordshire County Council.

The Deputy Chairman of the Joint Committee shall be drawn from the District/City Councillors members of on the Committee and elected on an annual basis immediately following the election of the Chair.

If the Chair and Deputy are both absent from a meeting of the Committee then the Councillor members of that body will elect some other councillor to preside at that meeting from amongst their number who are entitled to vote.

Working Groups will appoint one of their members as Chair for the life of the Panel.

## **9. Quorum**

The quorum of a meeting of the Committee will be one quarter of the whole number of voting members, or three voting members, whichever is the greater. During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. Voting**

The Committee should strive wherever possible to reach a consensus on any issue before them without the necessity for a vote. Where however the Chair of the meeting considers that a vote is necessary in order to determine a majority view, it shall be taken by a show or count of hands of the Councillor members present. Co-opted members do not have a vote. In the event of an equality of votes, the Chair of the Committee shall have a second or casting vote.

## **11. Work Planning and Programming**

The development, implementation and management of the work programme of the Joint Overview & Scrutiny Committee is the key to ensuring that health scrutiny is effective, focussed and adds value and that clear objectives are set and regularly evaluated. In undertaking activities within the work programme the Joint Committee may hold enquiries and investigations and appoint advisers and assessors to assist them in this process. They may conduct public surveys, hold public meetings, commission research and do all other things within the law that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers,

assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with paragraph 21.

The Committee and its Review Panels may go on site visits. However, in the case of premises where Health Services are provided, no powers are contained in the legislation which would require a NHS body to comply with a request for such a visit. Members shall not therefore, in the conduct of their Scrutiny functions, make arrangements to visit such premises unless they are specifically invited to do so by appropriate NHS officers with the authority to do so. Any request for visits would need to be agreed in advance by the Committee.

## **12. Agendas**

The Scrutiny Committee shall consider the following business at its meetings:

Any member of the Committee shall be entitled to give notice to the authorised Officer of the relevant Constituent Council that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee. The Chair, in discussion with the Proper Officer shall determine how such requests are considered by the Committee.

The rights of other members of the Constituent Councils to place items on the agenda will be in accordance with their respective Constitutions relating to scrutiny procedure rules.

The Committee shall also respond, as soon as their work programme permits, to requests from Healthwatch Oxfordshire to review or investigate any particular issues relating to the functions of the Committee. Where they do so, the Scrutiny Committee shall in addition to any other reporting, send their findings and any recommendations made to Healthwatch Oxfordshire as soon as is practicable.

Public access to meetings of the Committee will be in accordance with the County Council overview and scrutiny procedure rules (rule 16). In addition the County Council's Protocol on Public Participation shall apply and sets out the right of members of the public to seek to raise issues for review.

## **13. Reports of the Scrutiny Committee**

Once the Committee has completed its deliberations on any matter, a formal report will be prepared on its behalf and, when agreed, the authorised officer will refer it and any recommendations to the relevant body or National Health Service body or health service provider as appropriate and to any other body specified by the Committee. At the same time, the report and its findings shall also be made public.

Where any investigation or review is conducted by a working group, that group will refer its findings to the Committee for consideration. If the Committee considers it appropriate it shall prepare a report for submission to the appropriate health body, health service provider and/or local authority and shall make the report and findings public.

In accordance with Regulation 22(6) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, a report or recommendation produced by the Committee must include:-

- an explanation of the matter reviewed or scrutinised
- a summary of the evidence considered
- a list of the participants involved in a review or scrutiny activity
- an explanation of any recommendations on the matter reviewed or scrutinised.

The Committee may request a response from the NHS body(ies) or health service providers to which the report is sent. This shall be given in writing by that body within 28 days. In accordance with section 22(7) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

#### **14.Attendance by National Health Service Officers/Health Service Providers at Meetings of the Committee and Working Groups**

The Committee and working groups may require an officer of a local NHS body or health service provider to attend before the Committee to answer questions to enable it to discharge its functions. To this end, at least 15 working days' notice in writing of the date of attendance should normally be given. The notice will state the nature of the item on which s/he is required to attend and whether any papers are required to be produced for the Committee. The officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance, or if an alternative date is not possible an authorised employee to answer questions on their behalf.

#### **15.Attendance by Executive Members and Officers of Constituent Councils**

The Committee and working groups may require an Executive member or an officer of any of the Constituent Councils to attend before the Committee to answer questions to enable it to discharge its functions. At least 15 days' notice in writing of the date of attendance should normally be given. It shall be the duty of those persons to attend if so required.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance.

#### **16.Attendance By Others**

The Scrutiny Committee and working groups may invite people other than those referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions. The Chair of the Committee or working groups shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

Under Regulation 21(2) the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Committee must invite interested parties to comment on matters and must take notice of relevant information, in particular that provided by Healthwatch Oxfordshire or contractor. Such relevant information leading to close working and complementary actions will help to identify and address issues or inform forward plans effectively. When any information relating to the activities of the Committee are received, the receipt of this information must be acknowledged within 20 working days. In addition, any action taken in relation to the referral should be communicated to the requestor.

## **17.Provision of Information by NHS Bodies and Constituent Councils**

Relevant NHS bodies and health service providers have a duty under Regulation 26(1) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to provide the Committee and working groups with such information about the planning, provision and operation of health services as they may reasonably require to enable them to discharge their functions. Under Regulation 26(3)a The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, this does not include:

- confidential information which relates to and identifies a living individual (unless that individual consents)
- information the body or service provider would be entitled to refuse to provide for the purpose of any court proceedings
- disclosure of information prohibited under any legislation

In such cases, the Committee and working groups can require the information to be put in an anonymised form.

The Constituent Councils should equally supply such information as is requested by the Committee and working groups to enable them to effectively discharge their functions.

## **18.Duty of NHS Bodies or Health Service Providers to Consult on Substantial Developments or Variations in Provision of Service**

Under Regulation 23(1) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 an NHS body or health service provider must consult the Committee, where it has under consideration any proposal for a substantial development of the Health Service or a substantial variation in the provision of such service. This will not apply where:

- it is a proposal to establish or dissolve or vary the constitution of a CCG or establish or dissolve an NHS Trust unless the proposal involves a substantial development or variation.
- proposals are part of a trust's special administrator's report or draft report (ie. when a trust has financial difficulties and is being run by an administration put in place by the Secretary of State). These are required to be the subject of a separate 30-day community – wide consultation.

- the relevant NHS body or health service commissioner believes that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff. In such cases the NHS body or health service provider must notify the local authority that consultation will not take place and the reason for this.

The NHS body or health service provider must inform the Committee when a consultation is happening, the timeframe of a decision and, following a decision, whether to proceed with the proposal. The Committee may comment on the proposals by a date set by the NHS body or health service provider.

The Committee may report to the Secretary of State in writing where it is not satisfied that:

- consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authority, and not consultation with other stakeholders)
- that the proposal would be in the interests of the health service in Oxfordshire
- a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate

The Secretary of State may require the NHS body to carry out consultation or further consultation with the Committee as s/he considers appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken.

There are certain limits on the circumstances in which the Committee may refer a proposal to the Secretary of State. In particular, where it has made a recommendation and the relevant NHS body or health service provider has disagreed with the recommendation, it may not refer a proposal unless:

- it is satisfied that reasonable practicable steps have been taken to try to reach agreement (with steps taken to involve the provider where NHS England or a CCG is acting on the provider's behalf) but agreement has not been reached; or
- it is satisfied that the relevant NHS body or health service provider has failed to take reasonably practicable steps to try to reach agreement within a reasonable period

If the Committee has not commented on the proposal or has commented without making a recommendation, it may not refer a proposal unless it has informed the relevant NHS body or health service provider of its decision as to whether to exercise its power of referral and, if applicable, the date by which it proposed to exercise that power; or the date by which it proposes to make a decision as to whether to exercise its power of referral.

In the case of both discretionary committees (ie. where councils have chosen to appoint the joint committee to carry out specified functions) and mandatory joint committees (ie. where councils have been required under Regulation 30 to appoint a joint committee because a local NHS body or health service provider is consulting



more than one local authority's health scrutiny function about substantial reconfiguration proposals):

- where the power to refer has been delegated to the joint committee, only the joint committee may make a referral.
- Where the power to refer has not been delegated to the joint committee, the individual authorities that have appointed the joint committee (or health overview and scrutiny committees or sub-committees to whom the power has been delegated) may make a referral.

In making a referral to the Secretary of State, the Committee should set out:

- An explanation of the proposal to which the report relates.
- An explanation of the reasons for making the referral.
- Evidence in support of these reasons.
- Where the proposal is referred because of inadequate consultation, the reasons why the Committee is not satisfied of its adequacy.
- Where the proposal is referred because there was no consultation for reasons relating to safety or welfare of patients or staff, reasons why the Committee is not satisfied that the reasons given for lack of consultation are adequate.
- Where the Committee believes that proposals are not in the interests of the health service in its area, a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service in the area.
- An explanation of any steps that the Committee has taken to try to reach agreement with the relevant NHS body or health service provider.
- Evidence that the health scrutiny body has complied with the requirements which apply where a recommendation has been made.
- Evidence that the health scrutiny body has complied with the requirements which apply where a recommendation has not been made, or where no comments have been provided on the proposal.

If the change/issue is being supported by the Health and Wellbeing Board, the Committee will need to be clear why they oppose this support.

## **19.Public Access to Meetings of the Committee**

Meetings of the Joint Health Overview and Scrutiny Committee are subject to the public access procedures and protocols contained in the County Council's Constitution.

## **20.Officers**

The County Council will provide staff, specialist advice and support to the Committee and any working groups it establishes. It will also service and support the Committee. The Constituent Councils will each nominate a senior officer to provide support to the Health Scrutiny function.

## **21. Finance**

The County Council will meet the operational and running costs of the Committee and any working groups it establishes. The Constituent District/City Councils will meet the operational and running costs of any health scrutiny review they wish to have considered by the Committee.

When the Committee has asked witnesses to attend to address them on any matter under consideration, they may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with the above.

## **22. Conduct of Members**

The Codes of Conduct of their relevant Appointing Authorities shall apply to all Councillor Members of the Committee. The Oxfordshire County Council Code of Conduct shall apply to the Co-opted members of the Committee.

Each of the Appointing Authorities shall be responsible for indemnifying the Councillors appointed by them to the Committee against any claims against them as a result of lawfully discharging the functions of the Committee.

## **23. Annual Report**

The Committee shall produce in April each year a report for the Appointing Authorities on its activities during the preceding year. That report shall also be published to health bodies and the public.

## **24. Review of Activities**

The Committee shall periodically review their activities and evaluate the outcomes of their work plan and programme.

## **25. Termination of Arrangements**

The joint arrangements may be terminated by agreement between the Constituent Councils.

## Joint Committees

### Oxfordshire Joint Health Overview & Scrutiny Committee (7)

	<b>Liberal Democrat Green Alliance (3)</b>	<b>Conservative Independent Alliance (2)</b>		<b>Labour &amp; Co-operative Party Group (2)</b>		<b>Independent (0)</b>
ch	Hanna	Champken Woods		Edosomwan		
	Ley	Leverton		Haywood		
	Levy					

#### District Council Representatives (5):

District Councillor Paul Barrow  
 District Councillor Elizabeth Poskitt  
 District Council Jason Slaymaker

dc City Councillor Jabu Nala-Hartley  
 District Councillor David Turner

#### Non-Voting Co-opted Members (3)

Jean Bradlow  
 Barbara Shaw

Further details about the Oxfordshire Joint Health Overview & Scrutiny Committee can be found on the Council's website [at this link](#).

\*\*\*\*\*

### Joint Horton Health Overview & Scrutiny Committee (8)

#### Representing Oxfordshire County Council

Councillor Hannah Banfield

Councillor Mark Cherry  
 Councillor Arash Fatemian  
 Councillor Jane Hanna OBE  
 Councillor Dr Nathan Ley

Councillor Kieron Mallon  
 Councillor Freddie van Mierlo  
 Councillor Eddie Reeves

#### Representing West Northamptonshire Council

DC Rosie Herring

#### Representing Warwickshire County Council

Councillor Clare Golby

#### Non-Voting Co-opted Member

Dr Keith Ruddle

Further details about the Joint Horton Health Overview & Scrutiny Committee can be found on the Council's website [at this link](#).

Ch – Chair

dc – Deputy Chair

sp – Opposition Group Spokesperson

# Overview and Scrutiny Procedure Rules

## 1. Introduction

Except where set out below the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

## 2. Membership of Scrutiny Committees

The Council's Overview and Scrutiny Committees will have the membership indicated in this Constitution. All councillors except members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision in which s/he has been directly involved.

## 3. Co-opted Members

### People Overview and Scrutiny Committee

- (a) In addition to councillors, the People Overview and Scrutiny Committee shall include in its membership the following voting representatives:
  - (i) one Church of England representative appointed by the Oxford Diocesan Council of Education;
  - (ii) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;
  - (iii) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.
- (b) These co-opted members are only able to exercise their vote when the People Overview and Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.

### Place Overview and Scrutiny Committee

- (c) The Place Overview and Scrutiny Committee (in its capacity as the 'Crime and Disorder Committee' required in accordance with Section 19 of the Police and Justice Act 2006) may include in its membership representatives from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the "co-operating persons and bodies").

- (d) A co-opted person's membership may be limited to the exercise of the committee's powers in relation to a particular matter or type of matter. These co-opted members<sup>1</sup> may be voting members, but only if the committee allows it, and are only able to exercise their vote when the Place Overview and Scrutiny Committee is dealing with matters in connection with the discharge by the responsible authorities of their crime and disorder functions. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.
- (e) The membership of a person co-opted to serve on the Scrutiny Committee may be withdrawn at any time by the committee.

#### **4. The Work of the Committees**

Within their specific terms, each scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (v) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (vi) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vii) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (viii) report annually to full Council on their work and make recommendations for future work programmes as appropriate.

---

<sup>1</sup> In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, a crime and disorder committee shall only co-opt a person to serve on the committee who (a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and (b) is not a member of the executive of the committee's local authority (or authorities).

## **5. Review Panels**

Scrutiny Committees may appoint such Review Panels as they may determine to undertake specified reviews. Appointments to such Review Panels will be made by the relevant scrutiny committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

## **6. Work Programme**

The Scrutiny Committees will be responsible for setting their own work programme and in doing so they will take into account the views of the co-opted members.

## **7. Co-ordination of Scrutiny Committees**

- a) Where matters fall within the remit of more than one Scrutiny Committee or Review Panel the Chairs of the relevant Scrutiny Committees shall determine which of them will assume responsibility for any particular issue.
- b) Where there is doubt about which is the relevant Scrutiny Committee to receive requests from the Cabinet and/or the Council for reports, the Chairs of the Scrutiny Committees shall allocate such requests to one or more of the Scrutiny Committees.

## **8. Meetings of the Scrutiny Committees**

- a) Each Scrutiny Committee will meet at least four times a year. In addition, other meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the Committee following consultation with the Deputy Chair, by any 5 members of the committee or by the Proper Officer if s/he considers it necessary or appropriate.
- b) The Place Overview and Scrutiny Committee shall meet at least once in every twelve-month period as the 'Crime and Disorder Committee' to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

## **9. Chairs and Deputy Chairs**

The positions of Chairs and Deputy Chairs of the Scrutiny Committees will be drawn from among the councillor members sitting on the respective committees. A Committee will normally appoint to these positions on an annual basis. A Chair will be from the Opposition Group. Scrutiny Review Panels will appoint one of their members as Chair for the life of the Panel.

## 10. Quorum

The quorum for a Scrutiny Committee will be one quarter of the whole number of voting members, of whom a majority are members of the Council). During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 11. Agenda Items

- (a) Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee.
- (b) Any member of the Council shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Annex 1 to the Protocol on Members' Rights and Responsibilities, to the Proper Officer that s/he wishes an item concerning her/his Electoral Division and which is relevant to the functions of the Committee to be included on the agenda for that Committee. If the Proper Officer receives the request at least 15 working days before a scheduled meeting of that Committee s/he will include it on the agenda for that meeting; otherwise, it will be placed on the agenda for the following meeting of that Committee. The member shall have a right to speak at the meeting during consideration of that item.
- (c) The leader of any political group on the Council may request the Chair and Deputy Chair of a Scrutiny Committee to include an item relevant to the functions of the Committee on the agenda of that Committee. If the Chair and Deputy Chair so agree, they shall request the proper officer to include such item on the agenda of that Committee.
- (d) Any 10 members of the Council who are not members of the Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the relevant Scrutiny Committee.
- (e) The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Cabinet and/or the Council to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Cabinet and/or the Council shall consider the report of the Scrutiny Committee within two months of receiving it.

- (f) In relation to (a), (c) and (d) above the Proper Officer to include an item on an agenda for a Scrutiny Committee provided that:
  - (i) notice of the request is received by the Proper Officer by 2.00 p.m. on the tenth working day before the meeting of a committee;
  - (ii) the subject matter of any such notified item is relevant to the powers/functions of the committee; and
  - (iii) the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.

The individual member(s) shall be invited to attend and speak at the meeting during consideration by the committee or sub-committee of that item.

## **12. Policy Review and Development**

- (a) The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, the Scrutiny Committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference.
- (c) Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **13. Reports from Scrutiny Committees**

- (a) Once a Scrutiny Committee has completed its deliberations on any matter a formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration. Where the report concerns functions which are the responsibility of the Council or where the recommendations of the report have significant implications for the Council's budget and policy framework, the report will be referred to the Council. Where any report of a Scrutiny Committee relates to a Councillor Call for Action a copy of the report will also be provided to the relevant member.



- (b) Where the Proper Officer refers the Scrutiny Committee's report to the Cabinet, it will be included on the agenda of the Cabinet as soon as practicable and normally within a period of 6 weeks from the date the report was adopted by the Scrutiny Committee. If for any reason the Cabinet does not consider the Scrutiny Committee's report within 12 weeks then the matter will be referred to Council for review.
- (c) Where in (a) above, the Proper Officer refers a Scrutiny Committee's report to the Council, s/he will also give a copy to the Leader of the Council with notice that the matter is to be referred to Council. The Cabinet will have 6 weeks in which to respond to a Scrutiny Committee's report, and the Council shall not consider it within that period.
- (d) When the Council considers any referral from a Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall at the same time also consider the response of the Cabinet to the Scrutiny Committee's proposals.
- (e) If a Scrutiny Committee cannot agree on one single final report to the Cabinet or the Council as appropriate, then one minority report may be prepared and submitted for consideration by the Cabinet or the Council with the majority report.
- (f) Where Cabinet considers a report of a Scrutiny Committee the Proper Officer will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.

## **14. Rights of Scrutiny Committee Members to Information**

Nothing in any specific rights of members of Scrutiny Committees to documents or to notices of meetings, whether set out in the Access to Information Procedure Rules of the Constitution or otherwise, shall prevent more detailed information being sought by a Scrutiny Committee and provided by the Cabinet as appropriate depending on the particular matter under consideration.

## **15. Provision of information by relevant partner authorities**

A relevant partner authority<sup>2</sup> shall provide to the relevant Scrutiny Committee such information as that committee may reasonably require in order to discharge its functions, being information which:

- (a) has been requested in writing, and
- (b) relates to a local improvement target which:
  - (i) relates to the relevant partner authority, and
  - (ii) is specified in the local area agreement for Oxfordshire.

---

<sup>2</sup> See Annex 1 to Council Procedure Rules at Part 3.1 for full list.

## 16. Members and Officers Giving Account

- (a) Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council or executive functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require the Leader of the Council or any other Cabinet Member, the County Director and/or any senior officer to attend before it to explain in relation to matters within its remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance;

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Proper Officer shall in consultation with the member or officer arrange an alternative date for attendance.

## 17. Attendance By Others

- (a) The Place Overview and Scrutiny Committee (acting as the 'Crime and Disorder Committee') may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions, but only if reasonable notice of the intended date of attendance has been given to that person.†
- (b) In addition to the powers set out in (a) above, a Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. The Chair of the Committee shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

---

† [\*The Crime and Disorder \(Overview and Scrutiny\) Regulations 2009\*](#)

## 18. Public Access to Meetings of Scrutiny Committees

Apart from the attendance rights on the part of members of the public under the Council's Access to Information Rules, the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda shall apply to meetings of the Scrutiny Committees.

## 19. Call In

- (a) When a decision is made by the Cabinet or by an individual member or by a committee of the Cabinet, or a key decision is made by an officer acting under delegated authority, the decision shall be published by the Proper Officer in the form of a decisions list by the end of the next working day and circulated to all Councillors, and in the case of education functions to the co-opted members on the People Overview and Scrutiny Committee.
- (b) That list will bear the date on which it is published and will specify that the decision will come into force, and take effect at 5pm on the fifth working day (4pm on the fifth working day if that day is a Friday) following such publication of the decision.
- (c) During that period, the Proper Officer shall call in a decision for scrutiny by the appropriate Scrutiny Committee:-
  - (i) if s/he receives a joint request from the Chair and Deputy Chair of the relevant Scrutiny Committee; or
  - (ii) if requested to do so by 5 members of a Scrutiny Committee (whether members of the Council or co-opted non-councillor education voting members of the People Overview and Scrutiny Committee); or
  - (iii) if requested to do so by any 10 members of the Council, whether or not they are members of the relevant Scrutiny Committee.

In all cases, when a request for a call in of a decision is made, this must be accompanied by reasons for the request.

When the Proper Officer receives a request in accordance with (c) above, s/he shall then notify the decision maker of the call in. S/he shall then call a meeting of the appropriate Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chair and Deputy Chair of that Committee. Subject to the statutory requirements for the calling of meetings, the Scrutiny Committee should normally meet within 15 working days of the request being received by the Proper Officer to consider the issue.

- (d) If, having considered the decision, the Scrutiny Committee has material concerns about it, then the Scrutiny Committee may refer it back to the decision-making body or officer for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. The views of the Scrutiny Committee will be considered by the decision maker (in the case of recommendations from scrutiny committees following call-in of a decision made by an individual member of the Cabinet these recommendations shall be considered by the Cabinet) or the Council as appropriate within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect. If following a request for a call in made under Rule (17)(c) the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making body or officer, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of the 30 working day period commencing with the date on which the request was received by the Proper Officer, whichever is the earlier.
- (e) If the matter was referred to the Council and the Council does not object to a decision which has been made, then no further action will be taken and the decision will be effective in accordance with the provision in (h) below. However, if the Council does object then, unless that decision is contrary to the budget and policy framework, the Council will refer that decision together with its views on it back to the decision maker. The Council's views on the decision will be considered by the decision maker within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (g) The Cabinet Member(s) with responsibility for the subject matter of a request for a call in and the Chair and Deputy Chair of the relevant scrutiny committee may together agree variations of any or all the time limits in Rule (17)(d), (e), (f) and (g), to allow consideration of the call-in at the next ordinary meeting of the committee if they are satisfied that the matter is not so urgent as to require compliance with those time limits.
- (h) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:
  - (i) the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is based and the Cabinet has had regard to those observations in taking the decision; or

- (ii) the decision is taken by the Cabinet after taking account of any recommendations or other comments by the Scrutiny Committee following a call in of a decision taken previously by the Cabinet.

## **20. Call In and Urgency**

- (a) The call in procedure set out above shall not apply where the decision being taken by the Cabinet, Officer or other decision maker is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call in. The Chair of the Council must agree that in all the circumstances the decision should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's agreement shall be required. In the absence of both, the Proper Officer's agreement shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
- (b) The requirement contained in the foregoing provision of this Rule to obtain the agreement of the Chair, Vice-Chair or Proper Officer shall not apply to any decision on the letting of a contract arising from termination of an existing contract if the time available is such that allowing for call-in would result in service discontinuity, provided that all members of the relevant Scrutiny Committee have been informed of the circumstances of the decision to be made and have had an opportunity to make representations to the decision maker about it.
- (c) The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **21. The Party Whip**

To enable the Scrutiny Committees to hold decision makers to account effectively, the party whip shall not be applied to the business of the committees.

## **22. Procedure at Scrutiny Committee Meetings**

- (a) Scrutiny Committees shall consider the following business:
  - (i) election of a person to preside if the Chair and Deputy Chair are not present;
  - (ii) approval of the minutes of the last meeting and receipt for information of any matters arising therefrom;
  - (iii) apologies for absence and temporary appointments;
  - (iv) declarations of interest;

- (v) consideration of any matter referred to the Committee by way of a call in of a decision;
  - (vi) consideration of any Councillor Call for Action;
  - (vii) responses of the Cabinet to reports of the Scrutiny Committee; and
  - (viii) the business otherwise set out on the agenda for the meeting.
- (b) Where a Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
  - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the relevant Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public. Where any investigation or review is conducted by a Review Panel, that Panel will refer its findings to the relevant Scrutiny Committee who shall consider those and if they consider it appropriate prepare a report for submission to the Cabinet and/or Council as appropriate and shall make the report and findings public.

# Protocol on Scrutiny Participation

## 1. Introduction & Context

The Council's scrutiny committees may invite people other than Council members and officers to address them, discuss issues of local concern and/or answer questions. This may include, for example, residents, stakeholders and members and officers in other parts of the public sector.

The Council also believes that stakeholders and the public should be able to have a direct means of participating in the work of scrutiny committees.

This protocol should be read in conjunction with other elements of this Constitution, in particular the Council and Scrutiny Procedure Rules, which enable members of the public to present petitions and to request the opportunity to address meetings on items on their agendas.

## 2. Stakeholder Criteria

All stakeholders and the public will be entitled to suggest issues for review by scrutiny committees.

## 3. Criteria for Reviews

Scrutiny committees may commission review work to then be included within Work Programme(s).

Scrutiny committees may review and/or scrutinise decisions taken in connection with the discharge of any of the Council's functions, make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions and consider any matter affecting the area or its inhabitants. Any reviews proposed under this protocol should accord with these criteria.

## 4. Procedure for Co-ordination of Stakeholder Ideas

- (a) Any issue proposed for review by a scrutiny committee, must be accompanied by a brief description of what the stakeholder/public would like to see reviewed and be submitted to the Head of Scrutiny;
- (b) Representatives of stakeholder organisations and members of the public will be able to address the relevant scrutiny committee on their proposal for a review as part of the public address procedure. A submission for a review does not automatically mean that the review will be commissioned; it will depend on the overall workload of the individual committee concerned and other reviews commissioned and will be at the discretion of that scrutiny committee.

- (c) The Head of Scrutiny, having consulted the Chair and the Deputy Chair of the relevant scrutiny committee, will submit the request together with the description of the review from the key stakeholder organisations/members of the public submitting the request to the relevant Committee's next scheduled meeting. The key stakeholders/members of the public making the request will be invited to that meeting to speak to their proposal and/or answer questions. A calendar of scheduled meetings is included on the Council's website.
- (d) Subject to the relevant scrutiny committee's endorsement of any review and brief proposed, or as amended by that committee, the determination of resources will be allocated by agreement of the Chairs of the County Council's scrutiny committees having regard to the potential for duplication of effort and any issues of dispute between the scrutiny committees. Where an idea for a review is not pursued the reasons will be given to the stakeholder organisation or member of the public.



# Officers

## 1. Management Structure

- (a) The full Council may engage staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) The Council has engaged officers to the following posts which, together form the Council's senior leadership team.

Post	Principal Areas of Service
Chief Executive	Head of the Council's Paid Service; corporate management and promotion of the Council's strategic objectives.
Director of Law & Governance	Monitoring Officer; the Constitution and corporate governance framework; ethical governance; Legal Services and advice; support for councillors and the democratic process; Local Government and Social Care Ombudsman; information governance.
Corporate Director Customers and Organisational Development	Digital information and communications technology; cultural and customer services; equalities, diversity and inclusion; organisational development; human resources; corporate strategy; insight, marketing and communications; Coroner and Registration Service; libraries; property services.
Director of Finance (Chief Finance Officer)	Corporate financial management and administration; internal audit & counter fraud, procurement; Oxfordshire Local Government Pension Fund; Section 151 Officer)
Corporate Director for Public Health & Wellbeing	Statutory role including: delivery of the council's public health duties; steps to improve the health of the people in its area; planning for, and responding to, emergencies that present a risk to the public's health. Services in connection with teenage pregnancy; drugs and alcohol; fire and rescue services*; trading standards; animal welfare; gypsy and traveller service; emergency planning.
	*NB The Chief Fire Officer has statutory responsibility for the fire and rescue service.

<b>Post</b>	<b>Principal Areas of Service</b>
Corporate Director Adult Services	Statutory role including: responsibility for adult social care including improving preventative services and delivering earlier intervention; tackling inequalities and improving access to services; increasing support for people with the highest levels of need; promoting social inclusion and wellbeing. Delivery of adult social care including residential and nursing care; supported living; intermediate care; home support; assessment and re-ablement; occupational therapy; sensory impairment; mental health; carers services; translation and interpretation; adult learning; community safety.
Corporate Director of Children's Services	Statutory role including: discharging the education and children's social services functions of the local authority; leadership, strategy and effectiveness of local authority children's services; securing the provision of services which address the needs of all children and young people. Delivery of social care and education services including: early years and childcare; family support; fostering and adoption; looked-after children; residential and leaving care; asylum seekers; child protection; school performance; resourcing and support for schools; school governor support; school admissions; school transport (policy); special educational needs; behaviour support; youth service; youth justice.
Corporate Director for Environment and Place	Highways; network management; road safety and travel planning; transport development control; mainstream school and special needs transport; bus services; countryside and rights of way services; archaeological service; economic development; environmental and climate change policies. Development plans and developer funding; strategic development schemes; spatial and minerals and waste planning; waste management; local highway authority responses to consultations on planning applications.

<b>Post</b>	<b>Principal Areas of Service</b>
-------------	-----------------------------------

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**  
The Council has designated officers to perform these statutorily prescribed roles as follows:

<b>Designation</b>	<b>Officer</b>
Head of the Council's Paid Service	Chief Executive
Monitoring Officer	Director of Law and Governance
Chief Finance Officer (Section 151 Officer)	Director of Finance

The duties associated with these designations are set out in paragraphs 2 - 4 below.

## 2. Functions of the statutory post of Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
- (c) **Urgency.** 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 8.1 and 6.2 of the Constitution) will apply to any key decisions taken under this authorisation.

## 3. Functions of the statutory post of Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to councillors, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or, in the case of an executive function, to the Cabinet, if he or she considers that any

proposal, decision or omission has or would be likely to give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.<sup>1</sup>

- (c) **Supporting the Audit & Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Audit & Governance Committee.
- (d) **Receiving complaints.** The Monitoring Officer will receive and act on complaints about Councillor conduct.
- (e) **Reviewing complaints.** The Monitoring Officer will review complaints in accordance with the Council's arrangements for dealing with member complaints.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot also hold the position of Chief Finance Officer or the Head of Paid Service.
- (j) **Issue of Guidance.** The Monitoring Officer will issue guidance from time to time on the discharge of the above functions.

#### 4. Functions of the statutory position of Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or, in the case of an executive function, to the Cabinet, and to the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.<sup>2</sup>

<sup>1</sup> Section 5 of the Local Government & Housing Act 1989

<sup>2</sup> Section 151 of the Local Government Act 1972

- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

## **5. Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **6. Deployment and Management of Staff in General**

- (a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out at Part 8.4 of this Constitution.
- (b) The Head of Paid Service will determine and publicise a description of the overall structure of the paid service of the Council showing the management structure and deployment of officers. This is set out on the Council's Intranet.

## **7. Powers Exercisable by Officers**

Officers may exercise functions of the Council, the Cabinet and committees of the Council to the extent and subject to the conditions specified in the Officer Delegations set out in Part 7 of this Constitution.

## **8. Sub-Delegation to Designated Officers**

The Chief Executive's, and other officers' powers conferred by this Section and its Appendices, including any proper officer functions, may be exercised by other officers designated in writing by the Chief Executive (and the Director of Finance in relation to financial delegations), either generally or in specific circumstances.

## **9. Conduct of Officers**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations.

## **Scheme of Delegation to Officers**

### **1. Introduction**

- 1.1. This scheme of delegation authorises the relevant officers to exercise the functions of the Council as set out in this scheme and the Constitution. For the purpose of this scheme, 'officers' includes those officers included in Part 7.1 of the Constitution.
- 1.2. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Cabinet, the Council's committees and sub-committees and their own powers of delegation and by the officers mentioned within 1.1 above.
- 1.3. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.
- 1.4. The Council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her.
- 1.5. For the avoidance of doubt:
  - (a) the Chief Executive has over all other officers the powers which they are entitled to exercise under this Scheme;
  - (b) an officer may refer any matter to the Council, the Cabinet, or a committee of the Council as appropriate either:
    - (i) in lieu of exercising his/her powers in relation to that matter; or
    - (ii) for consultative purposes before exercising those powers;
  - (c) the power to exercise any function includes the power to exercise that function in a positive or negative manner or to refuse to exercise the function;
  - (d) nothing in this Scheme prevents the Council, the Cabinet or a committee of the Council from exercising a function in place of an officer;
  - (e) in this Scheme references to the Cabinet shall be taken to include the relevant Cabinet Member, or a committee of the Cabinet insofar as the function concerned has for the time being been delegated to such member or committee;
  - (f) any exercise of delegation making incorrect references to any part of the Constitution, relevant statute, legislation or bylaw shall not of itself invalidate the authorised delegation.

## 2. Principles of Delegation

2.1. The Chief Executive and other officers (as defined in paragraph 1.1 of this Scheme) – are empowered to make decisions on behalf of the Council in accordance with the following general principles:

- (a) If a function, power or responsibility has not been specifically reserved to the Council, a committee, or the Cabinet, the other officers within whose remit the matter falls is authorised to act.
- (b) The Council, its committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and the other officers have express authority to take all necessary actions to implement Council, committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- (c) The Chief Executive and the other officers are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
- (d) The Chief Executive and the other officers are empowered to take all necessary decisions in cases of emergency<sup>1</sup>.
- (e) In relation to all delegated authority conferred on the other officers by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit.
- (f) Where an officer is absent from the workplace for a period of time that requires others to exercise delegated authority in the officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
- (g) Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or their nominee is authorised to act;
- (h) All officers are empowered to act as deputies of the Chief Executive in his/her absence, subject to the following:
  - (i) In the first instance, the person deputised to act will be the other officer named on the duty rota operated by the Council

---

<sup>1</sup> For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that failure to act would seriously prejudice the Council's or the public's interests. Such interests are to be interpreted widely and include (but are not limited to) the risk of damage to property or threat to the health or wellbeing of an individual.



- (ii) In the absence of both the Chief Executive and the duty rota officer, any other officers may deputise for the Chief Executive in consultation with the Director of Law & Governance Officer and Chief Finance Officer.
  - (i) Anything delegated to an officer is also delegated to the Chief Executive;
  - (j) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
  - (k) The exercise of delegated functions shall be in accordance with the managerial requirements of the Chief Executive otherwise than in matters of professional expertise, and subject to the legal requirements of the Director of Law & Governance and the financial requirements of the Director of Finance.
- 2.2. In deciding whether or not to exercise such delegated powers, the Chief Executive and the other officers should consider whether to consult the appropriate Cabinet member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
- 2.3. The Chief Executive and the officers may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.

### **3. Recording of Delegations and Decisions**

- 3.1. All delegations conferred under this scheme must be recorded in writing by the Chief Executive and the other officer in such a form as the Director of Law and Governance may prescribe (including for the avoidance of doubt any delegation under paragraph 2.1(e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name.
- 3.2. Each officer will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention.
- 3.3. The Director of Law and Governance will maintain a central record of all delegations under this scheme and make this available for public inspection. The record shall be kept up to date according to any additions or other variations to the powers and functions which are delegated to officers.
- 3.4. Any decision of an officer having substantive effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. Any key decision shall be recorded as required by the Access to Information Rules and notification given in accordance with the Scrutiny Procedure Rules at Part 6.2 of this Constitution.

## **4. Scope of Powers**

- 4.1. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 4.2. Without prejudice to the generality of the foregoing the Chief Executive and the other officers shall have the power:
- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
    - (i) invitation and acceptance of tenders, subject to the Contract Procedure rules at Part 8.3 of this Constitution;
    - (ii) preparation and submission of bids for external funds or grants for purposes related to the provision of services and acceptance of such funds and grants on such terms and conditions as may be agreed, subject to consulting the Director of Law and Governance where contractual obligations are involved;
    - (iii) write-off of irrecoverable amounts (including bad debts) up to such limit as may for the time being be prescribed by the Financial Procedure Rules at Part 8.2 of this Constitution subject in each case to the written approval of the Director of Finance (or of a member of his/her staff nominated by him/her for that purpose) and to such approval being shown in the accounting records;
    - (iv) virement (within the budget framework);
    - (v) disposal and acquisition of assets;
    - (vi) subject to the requirements of the Director of Law and Governance given either generally or in a particular case, the issue of formal notices, orders, instructions and instruments required under any legislation relating to his/her functions and areas of service or otherwise to give legal effect to the exercise of the powers set out above;
    - (vii) authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council, subject to authorisation by the Director of Law and Governance;

- (viii) the negotiation of agreements or arrangements with other directorates of the Council or other companies or organisations relating to the provision of services for his/her directorate;
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
- (c) in the case of any overspend to notify the Director of Finance in the role of Section 151 officer in accordance with the Financial Procedure Rules and regulations;
- (d) subject to the Officer Employment Rules set out at Part 8.4 of this Constitution, to determine staffing arrangements within his or her directorate within approved budgets (except for staff employed in schools with delegated budgets), including:
  - (i) appointments, unless the power to appoint to a particular post rests with the Council or a committee of the Council;
  - (ii) dismissal of any employee subject to the concurrence of the Director of Human Resources (except where the power of dismissal is vested by law in the other officer);
  - (iii) the transfer of posts within the total establishment of his/her directorate;
  - (iv) all disciplinary matters;
  - (v) granting ex-gratia payments up to a limit determined by the Director of Law and Governance to employees who have suffered loss of, or damage to, personal property in the course of their work;
  - (vi) extending an employee's sick leave on half pay for a period not exceeding the equivalent period of half pay already received; and
  - (vii) granting up to 10 days' additional paid leave on compassionate grounds, or up to twelve months unpaid leave;
  - (viii) granting unpaid leave beyond twelve months, and any other exceptional request for leave, subject to the agreement of the Director of Human Resources and the Director of Finance.
- (e) to take all action to recruit, appoint, develop, manage and reward employees, in accordance with legislation and within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service for staff.

## **5. Delegation in Practice**

- 5.1. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:
- (a) a key decision should be taken in accordance with the relevant requirements (including the requirements for the recording of such decisions under Rule 18 of Part 8.1 of this Constitution);
  - (b) the views of the relevant Cabinet member(s) and committee chair following the application of the consultation criteria set out in paragraph (c) below;
  - (c) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet member(s) or committee chair(s) from any affected portfolio and local members, where the issue relates to a specific area, should take place;
  - (d) consultation in accordance with the Council's consultation strategy and the views emanating from that process;
  - (e) the range of available options;
  - (f) the staffing, financial and legal implications;
  - (g) the assessment of any associated risks in accordance with the Council's risk management strategy;
  - (h) the involvement of appropriate statutory officers and/or other officers;
  - (i) the relevance of any regional or national guidance from other bodies;
  - (j) the Council's Constitution, including the Forward Plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.
- 5.2. Any member may request that executive decisions taken by officers under delegated powers are scrutinised by the appropriate scrutiny committee.

## **6. Specific Powers and Functions**

- 6.1. Subject to the foregoing and without prejudice to the general effect of this scheme, the Chief Executive and the other officers designated for the purpose may exercise such specific powers and functions:

- (a) in the capacity of proper officer; or
- (b) otherwise on behalf of the Council, the Cabinet or a committee of the Council

as may be delegated to them from time to time. The powers and functions which are for the time being delegated to the Chief Executive, Director of Law and Governance and the Director of Finance are listed in this section.

6.2. The Director of Law and Governance shall keep this scheme of delegation up to date according to any additions or other variations to the powers and functions of the Chief Executive, Director of Law and Governance, the Director of Finance and the other officers.

6.3. The **Chief Executive** is authorised to undertake:

- (a) The functions under Section 4 of the Local Government and Housing Act 1989 as the Head of Paid Service of the Council, and in accordance with Part 7.1 of this Constitution.
- (b) Allocation of accommodation for the purposes of the Council, the Cabinet, committees, sub-committees and members.
- (c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate other officer and thereafter:
  - (i) in the case of an executive function, with the Leader of the Council or, in his/her absence, the Deputy Leader of the Council; or
  - (ii) in any other case, with the Chair of the relevant committee or sub-committee or, in his/her absence, the Deputy Chair of the relevant committee or sub-committee.

Any exercise of these functions shall be reported to the Cabinet or other relevant committee or sub-committee and shall be published on the website as soon as possible.

- (d) Following consultation with employees' representatives and with the Cabinet Member having responsibility for human resources and any other member(s) of the Cabinet whose responsibilities include a service particularly affected, approval of amendments to the County Council's personnel policies and procedures, subject to reference being made to the Cabinet where either:
  - (i) they would have material budget implications; or
  - (ii) material concerns about them have been expressed by the employees' representatives.

6.4. The Director of Law and Governance is authorised to:

- (a) take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document; and authority to apply the Common Seal of the County Council to deeds in order to execute them;
- (b) institute, defend, settle or participate in any legal proceedings or disputes in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law and Governance considers that such action is necessary to protect the Council's interests;
- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Cabinet, committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where he/she considers formal representation to be proper, including the incurring of such fees in respect thereof as may be appropriate;
- (d) authorisations under Section 223 of the Local Government Act 1972 (appearance by persons other than solicitors in legal proceedings);
- (e) acting as trustee on behalf of the Council in respect of any matter whereon he/she considers such action to be appropriate;
- (f) enter objections to any proposal affecting the County, the Council or the inhabitants of the County;
- (g) undertake the following proper officer functions of the Council under the Local Government Act 1972:
  - (i) Declaration of Acceptance of Office (Section 83);
  - (ii) Notice of Resignation of Office (Section 84);
  - (iii) Convening of and Summonses to Meetings (Section 88 & Schedule 12);
  - (iv) Filling of Casual Vacancies (Section 89);
  - (v) Ordnance Survey (Section 191);
  - (vi) Charitable Trusts (Section 210);
  - (vii) Deposit of Documents (Section 225);
  - (viii) Certificate of Photographic Copies of Documents (Section 229);
  - (ix) Authentication of Documents (Section 234);
  - (x) Procedure etc. for Bye-Laws (Section 236);
  - (xi) Evidence of Bye-Laws (Section 238);
  - (xii) Enactments relating to Town & Country Planning (Schedule 16 where not repealed)
  - (xiii) Adaptations, Modifications and Amendments of Enactments (Schedule 29);

- (h) the functions of Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989 and in accordance with Part 7.1 of this Constitution;
- (i) the proper officer functions of the Council for the purposes of giving public notice of the receipt of a report from the Local Government and Social Care Ombudsman, for the purposes of Part III of the Local Government Act 1974;
- (j) following consultation with the Director of Finance and with the Leader and Deputy Leader of the Council, approval of new or amended operational policies and procedures for the governance of the Council, subject to reference being made to the Cabinet where either:
  - (i) they would have material budget or substantive policy implications; or
  - (ii) material concerns about them have been expressed by the employees' representatives;
- (k) such proper officer functions of the Council other than those specified in this section as are not specifically delegated to any other officer;
- (l) the functions under Section 16(1) and Section 16(2) of the Local Government and Housing Act 1989 to give effect to the wishes of the political groups as regards membership of scrutiny committees and committees of the Council;
- (m) the proper officer functions of the Council for the purposes of Part VA of the Local Government Act 1972 (Access to Information);
- (n) making of appointments to outside bodies in accordance with the Council's published arrangements relating to representation on outside bodies;
- (o) making of appointments to school admission and exclusion appeal panels and school transport appeal panels;
- (p) to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group in each case;
- (q) authorisation of the reproduction or display of the Council's armorial bearings or any part thereof;
- (r) as Monitoring Officer, the functions of the 'qualified person' under the Freedom of Information Act 2000 (Section 36(5)(o)(iii)) for determining whether the exemptions under Section 36 are engaged);

- (s) the powers and duties of County Returning Officer for the purposes of Section 35 of the Representation of the People Act 1983.

6.5 The **Director of Finance** is authorised to undertake:

- (a) The proper officer functions of the Council for the purposes of Section 115 of the Local Government Act 1972 (Receipt of Money) and for the administration of the Council's financial affairs under Section 151 of the Act, and in accordance with Part 7.1 of this Constitution.
- (b) The proper officer functions of the Council for the purposes of Section 146 of the Local Government Act 1972 - Transfer of Securities.
- (c) The functions of 'responsible officer' for the purposes of financial administration under the Local Government Finance Act 1988.
- (d) Functions as the officer responsible for maintaining an adequate and effective system of internal audit.
- (e) Implementation of pay awards made nationally or locally under procedures recognised by the Council.
- (f) The making of investments of the County Pension Fund in accordance with the policies determined by the Pension Fund Committee.
- (g) Determination of cases of whether the education or training should be treated as continuous where an eligible child for the payment of a dependent's pension benefit under the Local Government Pension Scheme Regulations is over 17 and has been engaged continuously in full-time education or in training for a trade, profession or vocation has taken a gap year, subject to a report to the Pension Fund Committee on such determinations.

### 3.2. **Other Officers**

Each officer is authorised to act on behalf of the Council in relation to any operational matters within the service areas for which s/he is responsible as set out in Part 7.1, subject to the provisions of Part 7.2 of this Constitution. The Officer will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention under this Schedule.

- 3.3. For the avoidance of doubt, the delegation to the Corporate Director for Environment and Place includes the power, jointly with the Director of Law and Governance, to determine applications for certificates of lawfulness of existing or proposed use or development.



# Access to Information Procedure Rules

## 1. Scope of these Rules

These rules apply to all meetings of the Council, Scrutiny Committees and Council Committees and public meetings of the Cabinet (together called meetings).

## 2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## 3. Rights to Attend, and Report on, Meetings

Members of the public may attend all formal, public meetings subject only to the exceptions in these rules. The right to attend also includes the right to report and commentate on public meetings of the Council<sup>1</sup>. This right to report and commentate also includes the right to take photographs, film and audio-record the proceedings as well as commentate on the proceedings via social media. Carrying out an oral commentary during the meeting is not permitted as this would be disruptive to the good order of the meeting. The Chair of the relevant meeting has discretion to suspend an instance of reporting and/or commentating where this amounts to disruptive behaviour and may require any person acting in a disruptive manner to be excluded from the meeting.<sup>2</sup> Members of the public, including journalists, should comply with any policy or guidance on reporting/commentating produced by the Council from time to time. The Council will provide reasonable facilities to enable members of the public to report on meetings and it is advisable that any person wishing to film or audio-record a meeting lets the Council know so that appropriate arrangements can be made.

## 4. Notice of Meetings

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at County Hall, Oxford and posting details on the Council's web-site.

## 5. Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at County Hall at least five clear working days before the meeting. Where a report is prepared after the Agenda has been

---

<sup>1</sup> The right to report and commentate (and their restrictions) are those given under the Openness of Local Government Bodies Regulations 2014.

<sup>2</sup> Disruptive behaviour is any activity which, in the opinion of the Chair of the meeting, disrupts the conduct of the meeting or impedes other members of the public being able to see, hear or film the proceedings. This could include, but is not restricted to, excessive noise, moving from designated areas without the consent of the Chair, intrusive lighting and flash photography.

published, the Proper Officer will make each such report available to the public as soon as the report is completed and sent to councillors. All agendas and reports will be made available on the Council's web-site where these exist in electronic form.

## **6. Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item;

to any person on payment of a charge for postage and any other costs.

## **7. Access to Minutes etc After the Meeting**

The Council will make available copies of the following for six years after a meeting:

- (d) the minutes of the meeting [or records of decisions taken, together with reasons, for all meetings of the Cabinet], excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (e) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (f) the agenda for the meeting; and
- (g) reports relating to items when the meeting was open to the public.

These will be placed on the web site where they exist in electronic form.

## **8. Background Papers**

### **8.1 List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in her/his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report.

This does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 of these Rules) and in respect of Cabinet reports, the advice of a political advisor.

## **8.2 Public Inspection and Purchase of Background Papers**

The Council will keep for four years after the date of the meeting at least one copy of each of the documents on a list of background papers so that it can be produced for inspection as soon as reasonably practicable after a request to inspect the document has been received. Any person is entitled either:

- (a) to make copies or extracts from such a document; or
- (b) to be supplied with a photocopy of all or parts of the document on payment of a reasonable fee;

provided in either case that copyright is not infringed.

## **9. Summary of the Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at County Hall, Oxford.

## **10. Exclusion of Access by the Public to Meetings**

### **10.1 Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **10.2 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **10.3 Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. However there is a presumption of openness that requires any meeting to be held in public unless there are compelling grounds for excluding the public.

## 10.4 Meaning of Exempt Information

Subject to the conditions and exclusions in Rule 10.5 below, exempt information is defined in the relevant Regulations as information falling within any of the following categories:

Category	Interpretation
1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual	To be exempt the information must relate to a particular and identifiable person
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Such affairs may be contemplated, as well as past or current (see also condition (a) in 10.5 below)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority	“Labour relations matters” are as specified in section 218(1)(a)-(g) of the Trade Unions and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute); “employee” means a person employed under a contract of service; “office-holder” means a paid appointee to an office
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	“Legal professional privilege” is a right in certain situations to withhold documents conveying legal advice to a client or relating to litigation
6. Information which would reveal that the authority proposes— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
7A. Information which is subject to any obligation of confidentiality. 7B. Information which relates in any way to matters concerning national security.	

## **10.5 Exempt Information – Conditions and Exclusions**

Under the relevant Regulations information is not exempt:

- (a) if it is required to be registered under
  - the Companies Act 1985;
  - the Friendly Societies Act 1974;
  - the Friendly Societies Act 1992;
  - the Industrial and Provident Societies Acts 1965 to 1978;
  - the Building Societies Act 1986; or
  - the Charities Act 1993;
- (b) if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992;
- (c) unless in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **10.5 Restriction on the recording of proceedings**

The right to record proceedings (under the Openness of Local Government Bodies Regulations 2014) does not extend to the recording of confidential or exempt discussions. Where the public are excluded from meetings, this exclusion means that no recording equipment may be left in the room to record proceedings. The Chair of the meeting may require that recording equipment is removed from the meeting for the duration of the confidential/exempt items.

## **11. Exclusion of Access by the Public to Reports**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in her/his opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Restricted” together with the category of information likely to be disclosed.

## **12. Application of Rules to the Cabinet**

12.1 Rules 13 – 24 apply to the Cabinet and any committees of the Cabinet.

12.2 The Cabinet and its committees must also comply with Rules 1 – 11 above in relation to the whole or part of any meeting insofar as the Leader of the Council or other person likely to preside at the meeting reasonably believes that either:

- (a) a decision to be made will be a key decision as defined in paragraph 3(b) of Part 1.3 of this Constitution; or

- (b) a matter is likely to be discussed which is included in the Forward Plan as defined in Rule 14 or is the subject of a notice under Rule 15 (general exception); and (in either case):
    - (i) the decision on that matter is likely to be made within 28 days; and
    - (ii) an officer who is not a political adviser or assistant will be present at the discussion.
- 12.3 Rule 12.2 does not include a meeting to which sub-paragraph (b) of that rule applies whose principal purpose is for an officer to brief a decision maker on matters affecting the making of an executive decision.

### **13. Procedure Before Taking Key Decisions**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken by the Cabinet, a committee of the Cabinet, an individual Cabinet Member, area committee under joint arrangements, or by an officer unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 3 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, a committee of the Cabinet or an individual Cabinet Member, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

### **14. The Forward Plan**

#### **14.1 Period of Forward Plan**

Forward plans will be prepared by the Leader of the Council to cover a period of four months, beginning with the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.

#### **14.2 Contents of Forward Plan**

The forward plan will contain matters which the Leader of the Council has reason to believe will be subject of a decision to be taken by the Cabinet, a committee of the Cabinet, individual member of the Cabinet, area committee, or under joint arrangements or of a key decision to be taken by an officer, in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (h) the matter in respect of which a decision is to be made;

- (i) where the decision taker is an individual, her/his name and title, if any and where the decision taker is a body, its name and details of membership;
- (j) the date on which, or the period within which, the decision will be taken; the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (k) the means by which any such consultation is proposed to be undertaken;
- (l) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (m) a list of the documents submitted to the decision taker for consideration in relation to the matter.

### **14.3 Publicising the Forward Plan**

The forward plan must be published widely at least 28 clear days before the start of the period covered.

The Proper Officer will publish once a year (between 14 and 21 days before the first forward plan of the new financial year comes into operation) a notice in at least one newspaper circulating in the County and in such other ways as will ensure maximum coverage in the County, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan including notice of confidential and exempt information;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available;

- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at County Hall, Oxford.

## **15. General Exception**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates; and
- (b) the Proper Officer has informed the Chair of the relevant Overview and Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter on which the decision is to be made; and
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Proper Officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public unless Rule 10 applies.

## **16. Special Urgency**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Scrutiny Committee, or if the Chair is unable to act, then the agreement of the Chair of the Council, or in her/his absence the Vice-Chair will suffice.

## **17. Report to Council**

### **17.1 When Scrutiny Committee can require a Report**

If the relevant Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Scrutiny Committee Chair, or the Chair or Vice-Chair of the Council under Rule 16.



The Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chair or any 5 members of it. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

### **17.2 Cabinet's Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 10 working days of issue of the written notice, or the resolution of the Scrutiny Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

### **17.3 Quarterly Reports on Special Urgency Decisions**

In any event the Leader of the Council will submit quarterly reports to the Council on any executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. Record of Decisions**

After any meeting of the Cabinet or any Committee of the Cabinet, to which these rules apply, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. How each member of the Cabinet voted will be noted as a matter of public record.

## **19. Cabinet Meetings Relating to Matters which are not Key Decisions**

All decisions of the Cabinet or any committee of the Cabinet in the exercise of executive functions which are not key decisions will be made at a public meeting. Rules 1 – 11 above will apply. Where any item is to be added to a published agenda, the Proper Officer will notify the Chair of the relevant Overview and Scrutiny Committee at the time the item is added.

## **20. Non-Cabinet Members**

All members of the Council and the voting co-opted members of the People Overview and Scrutiny Committee will be entitled to receive the Cabinet Forward Plan each month when it is published. All members of the Council will, subject to the provisions of section 7 of the Protocol on Members' Rights and Responsibilities set out at Part 9.2 of this Constitution, be entitled to receive the agenda for and minutes of each meeting of the Cabinet or a committee of the Cabinet. The voting co-opted members of the People Overview and Scrutiny Committee will be entitled to receive, subject to the provisions of section 7 of the Protocol on Members' Rights and Responsibilities set out at Part 9.2 of this Constitution, any items on an agenda of the Cabinet or any Committee of the Cabinet which concern the discharge of any education functions.

## **21. Officers**

The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its Committees including any part of a meeting from which the public has been excluded.

## **22. Decisions by Individual Members of the Cabinet**

### **22.1 Reports Intended to be Taken into Account**

Where the Cabinet has delegated decision making powers to an individual member of the Cabinet and s/he receives a report which s/he intends to take into account in making an executive decision, then s/he will not make the decision until at least five clear days after receipt of that report.

### **22.2 Provision of Copies of Reports to Scrutiny Committees**

On the giving of such a report to an individual decision maker, the Proper Officer will at the same time also give a copy of it to the Chair of every relevant Scrutiny Committee and make it publicly available.

### **22.3 Record of Individual Decisions**

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, s/he will instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of confidential or exempt information as defined in Rule 10.

## **23. Scrutiny Committees Access to Documents**

### **23.1 Rights to copies**

Subject to Rule 23.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or any Committee of the Cabinet or any Committee of the Council and which contains material relating to any:-

- (a) business transacted at a meeting of the Cabinet or a Committee of the Cabinet or Committee of the Council
- (b) decision taken by an individual member of the Cabinet
- (c) decision taken under joint arrangements
- (d) key decision taken by an officer.

### **23.2 Limit on rights**

A Scrutiny Committee will not be entitled to:

- (a) any private briefing document from an officer to the Cabinet, individual Cabinet member or a political Group;
- (b) any document that is in draft form, unless the Cabinet believes that it is necessary for the Scrutiny Committee in order to carry out its challenge role on behalf of the Cabinet;
- (c) any part of a document that contains confidential or exempt information as defined in Rule 10, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (d) the advice of a political adviser.

## **24. Additional Rights of Access for Members**

### **24.1 Material Relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or a Committee of the Cabinet which relates to any key decision to be taken as set out in the Forward Plan in Rule 14 unless paragraph (a), (b) or (c) below applies:-

- (a) any private briefing document from an officer to the Cabinet, individual Cabinet member or a political Group;
- (b) it contains exempt information falling within paragraphs 1, 2, 3 (if relating to contract terms in the course of negotiation), 4, 5, 7 or 7A-C of the categories of exempt information as defined in Rule 10; or

- (c) it contains the advice of a political adviser.

Where a member wishes to inspect any document which contains exempt information falling within (b) above as s/he believes that it is necessary to do so in order to properly fulfil her/his duties as a County Councillor then the procedure set out in the Protocol on Members' Rights and Responsibilities at Part 9.2 of this Constitution should be followed.

#### **24.2 Material Relating to Cabinet and Non-Cabinet Decisions and to Previous Business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or a Committee of the Cabinet or a Committee of the Council and contains material relating to any business to be transacted at a meeting or previously transacted at a meeting unless either (a), (b) or (c) in Rule 24.1 above applies.

#### **24.3 Nature of Rights**

These rights of a member are additional to any other right s/he may have in law.

# **OXFORDSHIRE COUNTY COUNCIL**

## **FINANCIAL PROCEDURE RULES**

# Financial Procedure Rules

## 1. Introduction

- 1.1. To conduct its business efficiently, Oxfordshire County Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Collectively, these policies comprise the council's financial management standards.
- 1.2. Part 3.2 of this Constitution sets out the Budget and Policy Framework Procedure Rules for the council. This describes how the council's business plans and associated budget proposals should be developed, approved and implemented. The responsibilities of Council, Cabinet and officers have been summarised below.
- 1.3. Part 7.1 of the Constitution sets out the Financial Scheme of Delegation, which authorises relevant officers to exercise the functions of the council, including financial functions. Within the Scheme of Delegation, section 6.5 specifies those functions which the Director of Finance is authorised to undertake, including the administration of the council's financial affairs.
- 1.4. In Part 7.1 of the Constitution section 4(b) states that "the Director of Finance will have responsibility for the administration of the financial affairs of the council" under s.151 of the Local Government Act 1972. Part 7.2 then states that "the management of the council's financial affairs will be conducted in accordance with the Financial Procedure rules set out at Part 8.2 of this Constitution and any guidance made under those rules". The following sections expand on these two statements.

## 2. Financial control

- 2.1. The key controls and control objectives for the council's financial management standards are:
  - their promotion throughout the Council;
  - administration of financial management systems in support of the standards;
  - a monitoring system to review compliance with financial standards;
  - a system enabling regular comparisons of performance indicators that are reported to the Cabinet and other audiences.
- 2.2. The financial control framework is maintained and implemented by the Director of Finance and is defined in the following documents:
  - Financial Procedure Rules (this document)
  - Financial Regulations

- Other Financial Instructions issued by the Director of Finance
- 2.3. The **Financial Procedure Rules** provide the framework for managing the council's financial affairs. They apply to every member and officer of the authority and anyone working at the council or acting on its behalf. As part of the Constitution, the Procedure Rules are maintained on the council's public website.
- 2.4. The Procedure Rules identify the key financial responsibilities of the Full Council, the Cabinet, Chief Executive, Director of Finance, Directors and anyone working for or at the council. They are linked to other regulatory documents forming part of the council's Constitution, for example, contract regulation procedures.
- 2.5. **Financial Regulations** set out the council's financial policies and the framework for managing the council's financial affairs. They provide more detailed guidance on how the Financial Procedure Rules should be implemented in practice. They also identify the high-level financial controls within which all members and staff must operate. Regulations are maintained on the council's intranet. Note that schools within the county (with very few exceptions) should operate within the Finance Regulations for Schools, which closely reflect the council's Financial Regulations.
- 2.6. The Director of Finance is the Council's Responsible Officer under section 151 of the Local Government Act 1972 and is responsible for maintaining continuous review of the Financial Regulations and updating them, where necessary, for Council to approve.
- 2.7. The Director of Finance is also responsible for issuing **further instructions** as necessary to give detailed guidance on the operation of financial systems. Additionally, officers may create **templates or guidance** to provide other support for particular financial topics. All such materials are maintained on the council's intranet.
- 2.8. All financial and accounting procedures must be carried out in accordance with the Financial Regulations and with any instructions, notes and other guidance issued by, or on behalf of, the Director of Finance.

### 3. Roles and responsibilities

- 3.1. All officers and councillors have a duty to abide by the highest standards of probity in dealing with financial issues. The Council is required by law to follow proper accounting practices and to secure best value.
- 3.2. An overview of the high-level financial responsibilities of the Council, the Cabinet, various Committees, the Chief Executive, Directors and the Monitoring Officer is provided below. Further details of the responsibilities of these bodies and individuals are set out in the Financial Regulations where necessary.

## **4. Responsibilities of the Council**

- 4.1. The Council is responsible for adopting and changing the Constitution, which sets out how the council works, how decisions are made, and the procedures which are required to ensure efficiency, transparency and accountability. This includes the Financial Procedure Rules and Financial Regulations. In terms of financial responsibility, the Council also:
- approves or adopts the policy framework which sets out the council's service delivery plans, including the Corporate Plan.
  - approves or adopts the annual budget, as set out in Part 3.2 of the Constitution
  - makes arrangements for the proper administration of the council's financial affairs, ensuring that an officer has the responsibility for this administration
  - makes arrangements for approving the statutory annual statement of accounts by dates specified in various regulations.

## **5. Responsibilities of the Cabinet**

- 5.1. The Cabinet is responsible for making sure that there is effective financial planning within the council. This includes preparing proposals for the budget, which should take account of the views of the public, local stakeholders and the council's Performance and Corporate Services Overview and Scrutiny Committee. This process is set out in detail in Part 3.2 of the Constitution.
- 5.2. The Cabinet is responsible for agreeing any strategic partnerships for the County, monitoring the performance and governance and ensuring that partnerships are improving the well-being and outcomes for residents of Oxfordshire.

## **6. Responsibilities of Councillors**

- 6.1. Councillors are required to act in accordance with the Councillor's Code of Conduct in Part 9.1 of the Constitution.
- 6.2. All councillors must operate within the required accounting standards and timetables to ensure that all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.

## **7. Responsibilities of the Chief Executive**

- 7.1. The Chief Executive has overarching responsibility for the effective co-operation of councillors and officers in pursuit of the council's business. The Chief Executive acts as the Head of Paid Service. The council has to provide the Head of Paid Service with staff, accommodation and other resources as in



their opinion are sufficient to allow their duties to be performed. The Chief Executive can act in the capacity of any of the directors but more usually observes the delegated boundaries of the junior roles.

## **8. Responsibilities of the Director of Finance**

8.1. The Director of Finance is authorised to undertake the administration of the financial affairs of the council. This includes the responsibility to:

- ensure the proper administration of the financial affairs of the Council, to set the financial management standards and to monitor compliance with them;
- issue and keep under review Financial Regulations under these Rules which councillors, officers and agents of the council are required to follow;
- ensure that financial systems and procedures are in place to provide financial information to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators;
- ensure the preparation of the council's statement of accounts, in accordance with proper practices, for each financial year ending 31 March
- put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with the law.
- establish a Head of Profession and Section 151 matrix which details delegation of responsibility and support for the proper administration of financial affairs.

## **9. Responsibilities of Directors**

9.1. For the purposes of these Rules the title Director includes Corporate Directors, Directors, Deputy Directors, Heads of Service and any officer or agent of the Council acting as, or for, a Director, unless otherwise stated.

9.2. Directors are required to:

- comply with Financial Regulations and procedures and other financial instructions issued by the Director of Finance;
- promote the financial management standards set by the Director of Finance in their business areas and to monitor adherence to the standards and practices, liaising as necessary with the Director of Finance;
- promote sound financial practices in relation to the standards, performance and development of staff in their directorates. This includes

a clear delegation framework to Deputy Directors, Heads of Service and Budget holders;

- operate the Budget Management Arrangements as detailed by the Director of Finance and in accordance with guidelines approved by Full Council;
- maintain budgetary control within their services;
- manage processes to check that established controls are being adhered to and to evaluate their effectiveness.

## **10. Responsibilities of officers**

- 10.1. All officers have a duty to be familiar with, and to follow, relevant Financial Regulations and instructions in undertaking council business. If in doubt, all officers must seek advice from relevant Finance officers before proceeding with work.
- 10.2. Officers in the Finance team who have lead responsibility for matters in the Financial Regulations must undertake regular reviews of the relevant Regulations, engaging with other officers as relevant, to ensure their accuracy, currency and consistency with other Regulations and instructions.

## **11. Responsibilities of the Performance and Corporate Services Overview and Scrutiny committee**

- 11.1. In terms of financial control, the role of the Performance and Corporate Services Overview and Scrutiny Committee is primarily to consider and advise Cabinet on its proposals for an annual budget and any strategies or plans to which the council's resources may be dedicated. This is set out in the Constitution in Part 3.2(2).

## **12. Responsibilities of the Audit & Governance Committee**

- 12.1. The committee's functions are broad, including promotion of high standards of conduct for members and officers and assurance of the council's risk, control and governance arrangements. The committee's roles as regards the council's finances are:
- exercising the duty to approve the council's annual statement of accounts
  - monitoring the performance and effectiveness of Internal Audit Services including making recommendations on resourcing and budget for the service
  - systematic monitoring of the council's systems for Treasury Management

### **13. Scheme of Delegation**

13.1. The Scheme of Delegation set out in part 7.1 (section 6.5) of this Constitution authorises the Director of Finance to exercise the functions of the council as set out in that section. Further delegations for financial management are set out in the Financial Regulations where necessary and in the supporting schemes of delegation:

- Scheme of delegation – powers
- Scheme of delegation – financial
- Schedule to the Scheme of delegation - financial
- Scheme of delegation Financial Management

### **14. Financial management during emergencies**

14.1. The principles of good financial management should be adhered to by all members, officers and agents of the council during emergencies just as during normal business. Particular care should be taken to ensure that accountability and control measures can be readily ascertained in retrospect, for example to support claims under the Bellwin Scheme for reimbursement of relevant funds spent during emergency response activities.

14.2. The Constitution Part 7.1 states that the Head of Paid Service and the Directors are empowered to take all necessary decisions in case of emergency. All the financial standards set out in these Procedure Rules and associated Regulations continue to apply equally in times of emergency unless explicitly stated in Regulations or instructions by the Director of Finance.

### **15. Financial Regulations**

15.1. These Financial Procedure Rules set out the high-level principles and responsibilities which apply to all financial matters in the council. Regulations setting out the activities which should be undertaken in support of these financial standards are maintained on the council's intranet. The contents list of Regulations is at Annex 1 below.

# Financial Regulations

## Contents

### 1. Introduction

### 2. Financial Roles and Responsibilities

- 2.1 Introduction
- 2.2 Council
- 2.3 Cabinet
- 2.4 Scrutiny Committees
- 2.5 Audit & Governance Committee
- 2.6 Statutory Officers
- 2.7 Directors
- 2.8 Internal Audit

### 3. Financial Planning

- 3.1 Policy framework
- 3.2 Corporate Plan
- 3.3 Revenue budget
- 3.4 Leasing and rental agreements
- 3.5 Internal trading accounts
- 3.6 Treasury Management
- 3.7 Medium Term Financial Plan
- 3.8 Income and charging policy
- 3.9 Pay policy statement

### 4. Financial Management

- 4.1 Introduction
- 4.2 Financial management standards
- 4.3 Revenue budget monitoring and control

### 5. Capital

- 5.1 Capital Resource Allocation
- 5.2 Capital Expenditure
- 5.3 External Contributions
- 5.4 Insurance Reinstatements
- 5.5 Disposals of Land and Property
- 5.6 Transfer of Property Assets (Land and Property)
- 5.7 Acquisition of Land and Property

### 6. Accounting Records and Financial Systems

- 6.1 Accounting Records
- 6.2 Annual Statement of Accounts
- 6.3 Financial Systems

## **7. Risk Management and Internal Control**

- 7.1 Introduction
- 7.2 Risk Management
- 7.3 Insurance
- 7.4 Internal Control and Governance Framework
- 7.5 Preventing Fraud and Corruption
- 7.6 Audit Requirements

## **8. Control of Resources**

- 8.1 Assets
- 8.2 Consumable Stocks, Stores and Inventories
- 8.3 Cash
- 8.4 Staffing
- 8.5 Intellectual Property

## **9. Income and Expenditure**

- 9.1 Income
- 9.2 Purchasing and Procurement
- 9.3 Ordering and Paying for Goods and Services
- 9.4 Payments to Employees and Members
- 9.5 Taxation

## **10. External Arrangements**

- 10.1 Alternative Delivery Models
- 10.2 Partnerships and Acting as an Accountable Body
- 10.3 External Funding
- 10.4 Work by the Council for Third Parties
- 10.5 Grants to External Bodies

# **OXFORDSHIRE COUNTY COUNCIL**

## **CONTRACT PROCEDURE RULES**

# **Contract Procedure Rules for the Supply of Goods, Services and Works**

## **Contents:**

### **Chapter One: Introduction**

Compliance with these Rules, Council Policies, Relevant Legislation and Legal Requirements  
Where to get advice

### **Chapter Two: Pre-Procurement**

Pre-Tender Authorisations and Requirements  
Establishing the Value of the Contract/Expenditure per Contract

### **Chapter Three: The Procurement Process**

Procurement Thresholds  
Pre-Qualification Requirements/Minimum Standards for Suppliers  
Invitations to Tender/Request for Quotations  
Evaluation Criteria  
Terms and Conditions of Contracts  
Receipt of Tenders (including under Framework Agreements) and Opening of Tenders  
Evaluation of Tenders

### **Chapter Four: Contract Award**

Authorisation for the Award of Contracts  
Procedure for Award of Contracts  
Commencement of Contracts

### **Chapter Five: Post-Award**

Contract and Risk Management  
Variations of Contracts (including extensions)

### **Chapter Six: General**

Contracts to which Rules on Tendering (Rules 5 – 8 and 10 - 11) do not apply – Service Specific Exceptions  
Contracts to which Rules on Tendering (Rules 5 – 8 and 10 -11) do not apply – General Exceptions  
Exemptions from these Rules  
Non-compliance with these Rules  
Schemes of Delegation

Appendix 1 – Definitions

Appendix 2 – Table 1 and Table 2



# **Contract Procedure Rules for the Supply of Goods, Services and Works**

## **CHAPTER ONE: BASIC PRINCIPLES**

### **Compliance with these Rules, Council Policies, Relevant Legislation and Legal Requirements**

#### **1. Introduction**

- 1.1 These Rules shall be regarded as standing orders of the Council for the purposes of section 135 of the Local Government Act 1972 and aim to:
- Provide the foundation for achieving value for money in pursuit of the Council's strategic aims and objectives
  - Promote transparency, non-discrimination and equal treatment in all of the Council's procurement activities
- 1.2 These Rules govern all Contracts let by the Council otherwise than specified in these Rules<sup>1</sup>. Further, these Rules apply to arrangements which the Council wishes to enter into in consequence of it having received grant funding from an outside body to procure a service, goods or works, or to receive an income in return for giving another body the right (a concession) to run a service.
- 1.3 These Rules must be read in conjunction with other parts of the Council's Constitution (for example, if a decision about a contract is also a "key decision" then the requirements set out in the Constitution in relation to key decisions will also have to be met).
- 1.4 Failure by an Officer to comply with these Rules could lead to disciplinary action being taken against them and in some cases may be referred to any relevant authorities. Any non-compliance with these Rules should be dealt with in accordance with Rule 20.

#### **2. What contracts must comply with**

- 2.1 All Contracts must comply with all of the following:
- (i) English law (including the Council's statutory duties and powers including the Council's fiduciary duty to safeguard public funds);
  - (ii) these Rules, as supplemented by complementary rules in the Council's Constitution including its Financial Procedure Rules;

---

<sup>1</sup> See in particular Rules 1.11 and 1.12

- (iii) any relevant Council policies/regulations; and
- (iv) any legal requirement stipulated by the Director of Law & Governance.

- 2.2 The procurement and award of Contracts must comply with the principles of non-discrimination, transparency, equal treatment and proportionality.
- 2.3 Where the estimated value of a Contract dictates that the tender procedure is to be carried out under the Procurement Regulations (a “**PR Tender**”), additional rules applying to such tender procedures must be complied with. The Relevant Procurement Team should be consulted for advice.
- 2.4 In addition to Officers, these Rules must be complied with by all other persons who are authorised to carry out procurement and contracting on behalf of the Council (“**Agents**”). It must be a term of all Contracts between the Council and its Agents that the Agents comply with these Rules.
- 2.5 These Rules must be read in conjunction with the *Procurement Strategy* and the *Procurement Handbook* which provide guidance on compliance with these Rules.

### 3. Scope

- 3.1 These Rules do not apply to:
- (i) contracts which are not for the provision of goods, services or works (e.g. contracts of employment or contracts relating to land). Note, they do apply to consultancy contracts which are contracts for services.
  - (ii) contracts entered into by schools with delegated budgets (which should instead be awarded in accordance with the Scheme for Financing Schools).
  - (iii) low value purchases below the procurement threshold may be made from petty cash or procurement cards provided that they are in accordance with any operational instructions and financial limits issued by the s151 Officer.
  - (iv) grant funding agreements save that all grant funding agreements with a value of £500,000 or more must be sealed. The Financial Procedure Rules and Financial Regulations govern external arrangements including grants and therefore it is important to ascertain at the outset whether a proposed arrangement is a grant or a contract for services and which rules apply.
- 3.2 Certain Rules on tendering do not apply in certain situations or to certain specific contracts. Authorised Officers should refer to Rules 17 and 18 for details.

- 3.3 In exceptional circumstances, exemptions to these Rules may be granted. Authorised Officers should refer to Rule 19 for details.

#### **4. Where to get advice**

- 4.1 Officers requiring advice on procurement practice and the Procurement Regulations should contact the Relevant Procurement Team.
- 4.2 Officers requiring Contracts, terms and conditions or legal advice should contact Legal Services.
- 4.3 Officers requiring support or advice relating to finance issues relating to these rules should contact the relevant Finance Business Partnering Team.

### **CHAPTER TWO: STEPS PRIOR TO PROCUREMENT**

#### **5. Pre-Tender Authorisations, Requirements and Market Engagement**

- 5.1 Authorised Officers must ensure, before entering into any process which will or may result in the incurring of any expenditure for the supply of goods, services or works be it capital or revenue, that:
- (i) where it is a key decision, the requirements of Part 1.3, Section 3(b) of the Constitution have been complied with<sup>2</sup>;
  - (ii) the provisions of the Financial Procedure Rules and Financial Regulations have been complied with (including ensuring that there is adequate budgetary provision);
  - (iii) and written authorisation has been obtained in accordance with Appendix 2, Table 1 of these Contract Procedure Rules (unless authorisation has been obtained under the Financial Procedure Rules)<sup>3</sup>;
  - (iv) they have considered whether any consultation requirements apply, including whether the Public Services (Social Value) Act 2012 applies to any services, and have complied with any such requirements.
- 5.2 The Relevant Procurement Team and Legal Services (with the exception of (iv) below) must be notified before officers enter into any procurement process

---

<sup>2</sup> A decision taker may only take a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules in the Constitution. This section sets out further details of what a Key Decision is and what is required.

<sup>3</sup> See Rule 4 for details of establishing the value of a contract and see Rule 21 for details of Schemes of Delegation.

which will or may result in the incurring of any expenditure for the supply of goods, services or works, where:

- (i) the estimated value of the proposed contract is £25,000 or more; or
- (ii) the proposed Contract is for the benefit of two or more directorates or parties; or
- (iii) the Contract is considered complex, sensitive or high-risk for any other reason (e.g. an outsourcing involving a TUPE transfer of Council staff), or will involve the use of a third party Framework Agreement; or
- (iv) the proposed Contract is to be advertised and the estimated value of the Contract (exclusive of VAT) is £20,000 or more (please notify the Relevant Procurement Team (only), in compliance with statutory transparency requirements).

5.3 Prior to the commencement of any procurement exercise:

5.3.1 The Service Manager Pensions and the Director of Human Resources and Organisational Development must be notified where the procurement:

- (a) will or may result in any transfers of staff under the Transfer of Undertakings (Protection of Employment) Regulations (“**TUPE**”) where any of the staff are or were previously Council employees; or
- (b) will or may result in any transfers of staff under TUPE who are members of the Local Government Pension Scheme.

5.3.2 The Director of Property Services as Corporate Landlord must be notified where the procurement will or may result (a) in a contract that confers exclusive possession of the Council's premises or (b) in the acquisition by the Council of a property interest.

5.3.3 The Head of IT must be notified where any procurement involves the purchase of IT products or services that are not listed in the ICT Service Catalogue in order to address any potential data security implications for the Council.

5.3.4 The Information Governance Manager must be notified where any procurement or contract involves the transfer of personal or sensitive data to ensure compliance with data protection legislation.

5.3.5 As part of the options appraisal and business case (if appropriate) for the relevant procurement the Authorised Officer must undertake an appropriate risk assessment before entering into any process which will or may result in the incurring of any expenditure for the supply of goods,

services or works to determine whether there are, or may be, financial, reputational, legal or other risks posed by the proposed contract.

- 5.3.6 The Authorised Officer must complete a risk assessment and consult with the Insurance Team where there is uncertainty about the levels of insurance required having first had regard to the Council's standard insurance requirements for contracts. <https://intranet.oxfordshire.gov.uk/cms/content/contract-requirements>. Any variance away from the standard insurance levels needs to be approved by the s151 Officer based on a risk assessment submitted by the Authorised Officer to the Insurance Team for appraisal. This process must also be followed at any other stage during the procurement process where a departure from the standard insurance requirements are proposed.

- 5.4 Where there is a corporate contract (i.e. a contract for the benefit of the Council as a whole) for the supply of goods, services or works, no other contract may be used for the supply of those goods, services or works unless this has been authorised in advance in writing by the Relevant Procurement Team.

## **Market Engagement**

- 5.5 The Officer responsible for any procurement may consult potential suppliers in general terms about the nature, level and standard of the contract packaging and other relevant matters, provided this does not prejudice any potential bidder. The Officer must not adopt any technical advice in the preparation of an Invitation to Tender or Request for Quotations from anyone where this may prejudice the equal treatment of bidders or distort competition. When considering undertaking any pre-tender market engagement, the Relevant Procurement Team must be consulted.
- 5.6 Authorised Officers must keep and maintain records in respect of each contract in order to demonstrate compliance with these Rules and the Procurement Regulations where they apply. Authorised officers must work with the Relevant Procurement Team to ensure that the contract management system is updated to hold the relevant contract information and updates throughout the life of contract. A Contract must be retained for 6 years after the end of the Contract where it has been signed and for 12 years after the end of the contract where it has been sealed.

## **6. Establishing the Value of the Contract/Expenditure per Contract**

- 6.1 The value of a contract (that is, the expenditure per contract) means the actual or estimated amount payable by the Council to the supplier for the goods, services or works (over the entire possible length of the contract (including, if the contract confers an option to extend, with the exercise of that option, e.g. a three-year contract with an option to extend for two years under which £20,000 is payable per annum has a value of £100,000). The estimated value of a contract below the Procurement Regulation Threshold is to be calculated

exclusive of VAT (where applicable). The estimated value of a contract above the Procurement Regulation Threshold is to be calculated inclusive of VAT (where VAT is applicable). Table 1 in Rule 5.4 below shows the Procurement Regulation Thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation.

- 6.2 The value of a Framework Agreement means the estimated amount payable by the users of the framework for the goods, services or works) under Call-off Contracts entered into over the entire possible duration of the framework. The estimated value of a Framework Agreement below the Procurement Regulation Threshold is to be calculated exclusive of VAT (as applicable). The estimated value of a Framework Agreement above the Procurement Regulation Threshold is to be calculated inclusive of VAT (as applicable). Table 1 in Rule 5.4 below shows the thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation.
- 6.3 Contracts must not be split into smaller contracts in order to avoid any of these Rules.
- 6.4 For contracts of an indefinite length the value must be established on the basis that the contract will last for a period of 48 months. See also Rule 9.2.
- 6.5 Where the award of a contract to a particular supplier creates circumstances where any reasonably foreseeable future additional work could only be awarded to the same supplier (e.g. because of the supplier's ownership or exclusive rights in relation to a product or service) the value of the contract for the purpose of this Rule 6 should include the likely value of such additional work.

## **CHAPTER THREE: THE PROCUREMENT PROCESS**

### **7. Procurement Thresholds**

- 7.1 Please refer to Appendix 2, Table 2 for the procurement thresholds and the process to be followed.
- 7.2 Where Requests for Quotation or Invitations to Tender are not required to be sought, Authorised Officers must take practicable steps to secure value for money in accordance with the Procurement Handbook.
- 7.3 Where Requests for Quotation or Invitations To Tender are required, Authorised Officers must take practical steps to secure value for money through a combination of cost, quality and competition. Competitive quotations or tenders must be sought in consultation with the Relevant Procurement Team following the requirements set out in the Procurement Handbook.
- 7.4 Where the total value of:
- (i) a Contract;

- (ii) all contracts to meet a single requirement for goods or services;  
or
- (iii) all successive contracts of the same type,<sup>4</sup>

is equal to or exceeds the Procurement Regulation Threshold set out below, the Authorised Officer shall contact their Relevant Procurement Team to establish whether the relevant Procurement Regulations Threshold has been met or exceeded<sup>5</sup>.

Table 1

	<b>Threshold (from 1 January 2022) until 31 December 2023) (incl.VAT)</b>
Goods & Services	<b>£213,477</b>  (£177,895.50 excl VAT @ 20%)
Works & Concessions	<b>£5,336,937</b>  (£4,447,447.50 excl VAT @ 20%)
Social and other specific services under Schedule 3 of the Public Contracts Regulations 2015	<b>£663,540</b>  (552,950 excl of VAT @20%)

7.5 Call-off Contracts must be entered into in accordance with the terms of the relevant Framework Agreement and a mini-competition (the tender process required by the Framework Agreement) must be held where relevant. Where a Framework Agreement has been set up following an PR Tender, there must be full compliance with Procurement Regulations when awarding Call-off Contracts under it.

## **8. Pre-Qualification Requirements/Minimum Standards for Suppliers**

8.1 Authorised Officers are responsible for ensuring that all Suppliers awarded Contracts for the supply of goods, services or works to the Council have met the Council's minimum standards of suitability, capability, legal status and financial standing as advised by the Relevant Procurement Team.

<sup>4</sup> Authorised Officers should consult the Relevant Procurement Team for advice on calculating this amount.

<sup>5</sup> These are the threshold values which apply until 31 December 2023. After 31 December 2023, the Relevant Procurement Team must be consulted to establish the updated values.

- 8.2 Where the Contract is not subject to a PR Tender, Authorised Officers must not carry out a separate pre-qualification stage unless approved by the Relevant Procurement Team.

## **9. Invitations to Tender/Requests for Quotations**

- 9.1 An Invitation to Tender/Request For Quotation must be sent out for all procurement processes listed in Appendix 2, Table 2.

- 9.2 All Invitations to Tender must:

- (i) clearly specify the goods, services or works that are required (subject to appropriate adjustment applicable to the procedure being used);
- (ii) list the criteria on which the tender(s) will be evaluated (see Rule 8) showing the weighting of the various evaluation criteria unless otherwise advised by the Relevant Procurement Team and Legal Services;
- (iii) include a requirement for tenderers to declare that the tender content, price and all other figures or particulars concerning the tender have not been disclosed by the Bidder to any other party;
- (iv) include a requirement for Bidder to complete fully and sign all tender documents including certificates confirming that no canvassing or collusion has taken place; and
- (v) include the Council's written conditions of contract and state that the contract will be subject to these.

- 9.3 The list of requirements in Rule 7.2 is not exhaustive and any and all additional requirements of the Relevant Procurement Team must also be met.

## **10. Evaluation Criteria**

- 10.1 In determining the relevant evaluation criteria on which quotations and tenders are to be assessed, Authorised Officers, in consultation with their Relevant Procurement Team where appropriate, must consider all factors relevant to their requirement, including environmental and social considerations, so far as this is lawful.

- 10.2 The evaluation process must clearly demonstrate that the Council is seeking to identify the quotation or tender which offers the best value for money ie the Most Economically Advantageous Tender (MEAT) (see Rule 5).

## **11. Terms and Conditions of Contracts**

- 11.1 Terms and conditions for all contracts for goods, services and works with a value of £25,000 or more must be in accordance with terms and conditions



prepared or approved by the Director of Law & Governance unless otherwise agreed by the Director of Law & Governance.

- 11.2 Any contract of less than £25,000 which is of indefinite duration must be in accordance with any terms and conditions prepared or approved by the Director of Law & Governance so as to ensure that the termination provisions are satisfactory. Other contracts under £25,000 should also be on terms and conditions prepared or approved by legal services where there are specific legal issues arising such as ownership of intellectual property rights or the processing of personal data.
- 11.3 All written contracts (whatever their value) shall require that:
- (i) any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed;
  - (ii) any invoices submitted by the contractor are considered and verified by the Council in a timely fashion and undue delay in doing so is not to be regarded as sufficient justification for failing to treat an invoice as valid and undisputed;
  - (iii) any subcontract imposes obligations similar to those which (i) and (ii) require and an obligation that the subcontractor is required to impose such obligations in any further subcontract.
- 11.4 All contracts with a value of £25,000 or more must include a clause empowering the Council to terminate the contract for bribery or corruption and to recover from the supplier the amount of any loss resulting from such termination in a form approved by the Director of Law & Governance.
- 11.5 All contracts with a value of £500,000 or more and any other contract requiring the additional limitation period of 12 years rather than 6 years for court proceedings in the event of default must be drafted as a deed. This is particularly relevant to construction contracts in the case of latent defects.
- 11.6 Framework Agreements subject to the Procurement Regulations must not be entered into for more than four years (including options to extend) unless otherwise advised by the Director of Law & Governance and the Relevant Procurement Team.

## **12. Receipt of Tenders (including under Framework Agreements) and Opening of Tenders**

- 12.1 All tenders/quotations must be submitted online via the Tendering Portal. No paper copies are acceptable.

## **13. Evaluation of Tenders or Quotations**

- 13.1 Authorised Officers must ensure that all tenders are evaluated by procurement including those in mini-competitions under Framework Agreements, in

accordance with the evaluation criteria specified in the Invitation to Tender or in the Requests for Quotations.

- 13.2 The arithmetic in compliant tenders, including those in mini-competitions under Framework Agreements, must be checked. If arithmetical or clerical errors are found they should be notified to the tenderer, which should be requested to confirm the correct figures/wording or withdraw its tender.

- 13.3 Authorised Officers must compare submitted tender prices with any project appraisal or pre-tender estimates.

13.3.1 Where tender prices are above the estimated value of a contract, Authorised Officers must ensure that sufficient budget is available prior to proceeding to award.

11.3.2 Where the submitted tender price of any Bidder in response to a PR Tender is an Abnormally Low Tender, the requirements set out in Regulation 69(1) of the Procurement Regulations must be followed. Where the submitted tender price of any Bidder in response to a non-PR Tender is an Abnormally Low Tender, advice must be sought from the Relevant Procurement Team.

## **CHAPTER FOUR: CONTRACT AWARD**

### **14. Authorisation for the Award of Contracts**

- 14.1 Contracts may only be awarded by the Council if there has been full compliance with these Rules and the *Financial Procedure Rules*.
- 14.2 Tenders may be evaluated and recommended for acceptance in accordance with Appendix 2, Table 1.
- 14.3 No tender can be accepted or contract awarded unless this is on the basis of the evaluation criteria sent out with the Invitation To Tender or Requests for Quotation.
- 14.4 Where a key decision was required to authorise the entering into of the procurement process under Rule 3, the contract must not be awarded unless that decision has been complied with (for example, a new decision may be required prior to award or the risk factors may have changed).
- 14.5 Where a key decision was not required to authorise the entering into of the procurement process under Rule 3 but due to the price of the winning bid it has become a key decision, the requirements of Part 1.3 Section 3(b) of the Constitution must be complied with before the contract is awarded.

### **15. Procedure for Award of Contracts**

- 15.1 Following contract award, successful and unsuccessful tenderers (and, for PR Tenders, those persons who expressed an interest in the contract unless they have already been rejected and have been informed of that rejection and the reasons for it) must be notified of the award of the contract for which they bid. This notification letter will be issued by the Relevant Procurement Team.
- 15.2 Where there has been a PR Tender, the Relevant Procurement Team will adhere to the relevant Standstill Period. Where there is a court challenge prior to completion of the contract then the contract must not be completed without the authorisation of the Director of Law & Governance, S151 Officer, the Relevant Procurement Team and the relevant Corporate Director.
- 15.3 All contracts must be in writing and should be held on the council's contract management system
- 15.4 Except where otherwise stated in Appendix 2, contracts must be signed or sealed in accordance with Appendix 2, Table 1 (for the avoidance of doubt no elected or co-opted Member of the Council may sign any contract for or on behalf of the Council).
- 15.5 In relation to Contracts with a total value in excess of £5,000 which have not been supported by the Procurement Team, Authorised Officers must inform the Relevant Procurement Team of all contracts (including Call-off Contracts) awarded promptly (and preferably within 5 working days of the date of the award) so that the:
- (i) details of the contract can be added to the Council's Contracts Management System; and
  - (ii) Relevant Procurement Team can publish details of the contract award in accordance with any legal requirements and comply with any reporting requirements.

## **16. Commencement of Contracts**

- 16.1. No supply of goods, services or works must commence until all contract documentation is duly completed (see Rule 13) except:
- a) in cases of emergency falling under Rule 18.2, in which case the contract documentation must be completed at the earliest opportunity;
  - b) where otherwise approved by the Director of Law & Governance.

## **CHAPTER FIVE: POST-AWARD**

## **17. Contract and Risk Management**

Contracts will be managed according to the principles laid out in the Procurement Handbook, with due note given to the differing roles and responsibilities according to the classification of the contract.

## **18. Variations of Contracts (including extensions)**

18.1 Any variation to a concluded Contract for Works, Supplies or Services (including an extension to the length of any such Contract or a replacement of the original supplier) ('the Variation') is only permissible if the Variation IN PRINCIPLE:

- demonstrably represents Value For Money or is otherwise in the Council's best interest to progress;
- can be funded from an approved budget;
- entails no diminution in any Social Value identified at the commencement of the Contract;
- does not conflict with the provisions of the Procurement Regulations where they apply; AND
  - (i) it represents no more than 10% of the value of the original Contract (inclusive of VAT where applicable) for Services or Supplies, or 15% of the value of the Works contract (ie it is non-material); OR
  - (ii) it is established with advice from the Relevant Procurement Team and Legal Services that a competitive process does not need to be followed.

18.2 Any variation outside these requirements would require the conduct of a new tender process for a new contract unless an Exception under Rule 18 or an Exemption under Rule 19 would apply

## **CHAPTER SIX: GENERAL**

### **19. Contracts to which Rules on Tendering (Rules 5 – 8 and 10 - 11) do not apply – Service Specific exceptions**

Competitive quotes or tenders are not required for the following:

- 19.1 **Director of Law & Governance:** contracts for the engagement of Counsel.
- 19.2 **Transport:** subsidised bus contracts not caught by Rule 7.4 and identified as meeting the de minimis requirements in the Service Subsidy Agreements (Tendering) (England) (Amendment) Regulations 2004 which must instead follow guidance issued by the Department for Transport, currently the "Guidance on New De Minimis Rules for Bus Subsidy Contracts" and the Tendering Road Passenger Transport Best Practice Guidance (October 2013).
- 19.3 **Adult Services, Children's Services and Public Health:**

- 19.3.1 Nominations Agreements<sup>6</sup> where the estimated Void Charges over a 48-month period are below the PR threshold for services under Schedule 3 of the Public Contracts Regulations 2015;
- 19.3.2 Spot contracts<sup>7</sup> provided they are below the Procurement Regulations Threshold and it is not possible to rely upon pre-existing procured tendering outlets such as frameworks and dynamic purchasing systems.
- 19.4 The exceptions in Rules 17.1 to 17.3 (inclusive) do not apply where the proposed course of action conflicts with the Procurement Regulations.
- 19.5 The rest of these Rules must still be complied with.

## **20. Contracts to which Rules on Tendering (Rules 5 – 8 and 10 -11) do not apply – General exceptions**

Without prejudice to the Procurement Regulations, competitive quotes or tenders are not required for the following:

### **20.1 Extreme urgency**

20.1.1 Where, in cases of extreme urgency brought about by events unforeseeable by the Council (e.g. flood), a competitive procurement cannot be undertaken (for PR Tenders, within the time limits specified for open, restricted or competitive procedure with negotiation) a Corporate Director may verbally authorise and record in writing an exception from these Rules for goods, services or works

20.1.2 In these cases, only goods, services or works necessary or appropriate to safeguard the Council's position or protect life and property can be procured before formal approval is obtained.

20.1.3 Corporate Directors must at the earliest opportunity inform the s151 Officer and the Director of Law & Governance of the action taken in dealing with the emergency. Corporate Directors must also submit a report to the Cabinet or the relevant Portfolio Holder that details the circumstances of and justifications for granting Exceptions made in accordance with this Rule.

### **20.2 No competitive market**

---

<sup>6</sup> A "Nominations Agreement" is an agreement between the Council and a housing provider whereby the housing provider may not permit occupation of its property by anyone other than a Council-nominated tenant with assessed care needs. In return for this restriction on occupation, the Council pays void charges ("Void Charges") for periods where the property is not occupied.

<sup>7</sup> SPOT contracts are below Procurement Regulations Threshold contracts for services (that are classified as Schedule 3 services under the Procurement Regulations) to an individual service user (or sibling group in the case of fostering services) where there is an urgent need, and the specific circumstances mean that it is not possible to conduct a procurement process under these Rules.

20.2.1 Works, supplies or services can only be supplied by one particular provider for any of the following reasons: (a) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance (b) competition is absent for technical reasons (c) the protection of exclusive rights, including intellectual property rights, (d) the works or services are of such a specialist nature that they can only be carried out by one person (for e.g. statutory undertakers); but in the cases of paragraphs (b) and (c), only where it can be demonstrated that no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement; or

20.2.2 The Authorised Officer can demonstrate that no genuine competition can be obtained in respect of the purchase of particular goods, services or works having received no tenders/quotes, no suitable tenders/quotes, no requests to participate in response to a competitive procurement procedure (for PR Tenders this is limited to open and restricted procedures only) provided that the initial conditions of contract are not substantially altered

### 20.3 Additional Grounds

For supply contracts

20.3.1 Supplies proposed to be purchased are manufactured purely for the purpose of research, experimentation, study or development provided that such contracts shall not include quantity production to establish commercial viability or to recover research and development costs; or

20.3.2 Additional supplies are proposed to be purchased from the original supplier which are intended either as partial replacement of supplies or installations or as the extension of existing supplied or installations where a change of supplier would oblige the Council to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance provide that the duration of the contract, as well as that of recurrent contract, shall not, save in exceptional circumstances, exceed 3 years), or

20.3.3 Supplies are quoted and purchased on a commodity market, or

20.3.4 For the purchase of supplies or services on particularly advantageous terms, from either a supplier which is definitely winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors, or similar procedure under UK laws or regulations; or

20.3.5 For a service contract where the contract concerned is to be awarded to the winner or winners of a design contest (organised in accordance with the Public Contract Regulations where they apply); or

For Works or Services

20.3.6 For new works or services consisting of the repetition of similar works or services entrusted to the provider which the Council awarded an original contract, provided that such works or services are in conformity with the project for which the original contract was awarded following a competitive procurement (for contracts awarded pursuant to a PR Tender, the procedure must have been in accordance with regulation 26(1) and (2)). The original project must have indicated the extent of possible additional works or services and the cost of these must have been taken into account when determining the estimated value of the contract. For contracts awarded following a PR Tender, the requirements set out in regulation 32 (10)-(12) must be satisfied in full.

PROVIDED THAT in all these cases under Rules 18.2 and 18.3 (except for works which are primarily the responsibility of a utility or statutory undertaker<sup>8</sup>)

- (1) the Authorised Officer must prepare a report setting out:
  - (a) the reasons why the relevant circumstances apply;
  - (b) why it is in the best interests of the Council for the contract not to be tendered or re-tendered (as applicable);
  - (c) the process which is intended to be followed instead;
- (2) the Authorised Officer receives written agreement to pursue the course of action set out in the statement from:
  - (a) the appropriate Director;
  - (b) the s151 Officer;
  - (c) the Relevant Procurement Team; and
  - (d) the Director of Law & Governanceand
- (3) the Authorised Officer, in conjunction with Legal Services, ensures that contract terms are appropriate taking into account all relevant factors (such as benefit and risk to the Council).

20.4 The exceptions in Rules 18.1 to 18.3 (inclusive) do not apply where the proposed course of action conflicts with the Procurement Regulations.

20.5 The rest of these Rules must still be complied with.

---

<sup>8</sup> As defined in s329 Highways Act 1980

## **21. Exemptions from these Rules**

- 21.1 The Council does not have the power to waive the applicability of the Procurement Regulations.
- 21.2 Exemptions from these Rules will only be granted in exceptional circumstances. A lack of foresight and planning resulting in insufficient time to carry out a lawful tendering process will not constitute adequate justification.
- 21.3 At the conclusion of every Exemption Process whether granted or not the Director/Authorised Officer shall notify the Monitoring Officer of the final outcome of the process, along with a copy of the complete set of relevant papers.

### **Register of Exemptions**

- 21.4 The Monitoring Officer will maintain a register of all exemption requests under this Rule 19 and will provide a copy of this register to the s151 Officer at least every six months, and otherwise as and when requested to do so by the s151 Officer.

### **Contracts with a value of less than £100,000**

- 21.5 An Authorised Officer may seek an exemption from any of these Rules for a contract with a total value of less than £100,000 from:
- (i) the relevant Director;
  - (ii) the Director of Law & Governance; and
  - (iii) the Relevant Procurement Team.
- 21.6 In order to request an exemption the Authorised Officer must prepare a report setting out:
- (i) the reasons why the exemption is being requested and which Rule(s) an exemption is being requested from; and
  - (ii) the process which is intended to be followed instead.
- 21.7 An exemption will only be granted where the Director, the Director of Law & Governance and the Relevant Procurement Team are satisfied that the exemption is justified on its own special circumstances and have given their consent in writing.

### **Contracts with a value of £100,000 or more**<sup>9</sup>

- 21.8 A Director may seek an exemption from any of these Rules from:

---

<sup>9</sup> See Contract Procedure Rules - Exemption Procedure (with pro forma report) for further details.



- (i) the Cabinet or a Portfolio Holder acting under delegated powers;  
or
- (ii) the Chief Executive acting under delegated powers.

21.9 In order to request an exemption the Director must prepare a report setting out:

- (i) the reasons why the exemption is being requested and which Rule(s) an exemption is being requested from;
- (ii) the process which is intended to be followed instead;
- (iii) a legal appraisal from the Director of Law & Governance;
- (iv) a financial appraisal from the s151 Officer; and
- (v) confirmation that the Relevant Procurement Team has approved the contents of the report

21.10 An exemption will only be granted where the Cabinet, the Portfolio Holder or the Chief Executive is satisfied that the exemption is justified on its own special circumstances and has given his/her consent in writing.

## **22. Non-compliance with these Rules**

22.1 Any officer who becomes aware of any non-compliance with these Rules must notify the Relevant Procurement Team, Legal Services and the s151 Officer as soon as this is identified. Breaches may be escalated to the relevant Corporate Director for further investigation in accordance with the Council's Contract Procedure Rules – Breach Policy.

22.2 If the non-compliance cannot be remedied by the taking of any appropriate step or measure, the matter must be notified to the s151 Officer and the Director of Law & Governance by the relevant Corporate Director. Where a particular course of action is specified by both the s151 Officer and the Director of Law & Governance this must be complied with.

22.3 If a non-compliance has given rise to or is likely to give rise to illegality or maladministration, the s151 Officer and Monitoring Officer must be notified.

22.4 If these Rules are not complied with, this will not invalidate any contract entered into by or on behalf of the Council, except where English law provides to the contrary.

## **23. Schemes of Delegation**

23.1 Directors must ensure that they have Schemes of Delegation identifying:

- (i) Authorised Officers; and

- (ii) the extent of Authorised Officers' delegated authority (including expenditure limits which reflect authorisation limits set out in the Financial Scheme of Delegation)

23.2 Authorised Officers may not, under any circumstances, act outside the delegated powers of their Director.

23.3 Directors must ensure that all Authorised Officers receive the necessary training to be and remain conversant with these Rules.

## Appendix 1 Definitions

For the purposes of these Rules:

**Abnormally Low Tender** means a tender which gives rise to doubts that the price offered is economically sustainable and will properly deliver the contract.

**Authorised Officers** means those officers of the Council identified as such by Directors in their Schemes of Delegation and approved by the s151 Officer to undertake procurement and contracting on behalf of the Council (including authorisation of expenditure, preparing and/or negotiating contract documentation, awarding and signing contracts and/or managing contracts) and any Agents as defined in Rule 1.8 with such authority.

**Bidder** means a potential Supplier who responds to an Invitation to Tender or Request for Quotations or any person who is invited to submit a tender or quote.

**Contract** means an agreement which:

- (i) may be oral, written, partly oral and partly written or implied from conduct between the Council and another person;
- (ii) gives rise to obligations which are enforceable or recognised by law (i.e. legally binding); and
- (iii) commits the Council to paying or doing something;

and, where the context requires, a reference to a contract means a contract to which these Rules apply<sup>10</sup> and a “**Call-off Contract**” means an order made/call-off contract entered into under a Framework Agreement.

**Director** - Except for specific references to “Corporate Director”, for the purposes of these rules the title “Director” includes Corporate Directors and Directors, and, where a Director has delegated their function to a Deputy Director or Head of Service under the Scheme of Delegation, it shall include the Deputy Director/Head of Service to whom it has been delegated.

**Framework Agreement** means a contract with a supplier or suppliers which establishes the terms and conditions (in particular as to price) under which Call-off Contracts can be made during the length of the Framework Agreement. This includes government pre-negotiated contracts.

**Invitation to Tender** means the document headed as such and used by the Council to invite providers to bid for the provision of Goods, Services or Works;

**Monitoring Officer** means the officer appointed under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is statutorily

---

<sup>10</sup> Note that service level agreements or SLAs are not generally legally binding and must not be used with third parties (i.e. outside the Council).

responsible for reporting to the council on any proposal, decision or omission by the council, any committee, sub-committee, joint committee or officer which has given rise to, or is likely to or would give rise to a breach of the law or potential maladministration.

**PR Tender** means a tender procedure which needs to be carried out under the Procurement Regulations.

**Person** means any individual, partnership, local authority or incorporated or unincorporated body;

**Procurement Handbook** means the procurement handbook available on the Council's Intranet.

**Procurement Regulations** means the Public Contracts Regulations 2015 and/or the Concession Contracts Regulations 2016 as amended and any successor regulations which specify in detail the procedures by which public authorities shall undertake their procurement (as applicable).

**Procurement Regulations Threshold** means the thresholds set out in Rule 5.4, Table 1 (as may be revised by the government every two years).

**Relevant Procurement Team** means whichever of the following category based teams advises the Authorised Officer:

- (i) the Environment & Place Team;
- (ii) the Health, Education & Social Care Team; or
- (iii) the Corporate & Commercial Team

**Request for Quotations** means the document headed as such and used by the Council to invite providers to bid for the provision of Goods, Services or Works;

**s151 Officer** means the Chief Finance Officer appointed under s151 Local Government Act 1972 and officers to whom the s151 Officer has delegated his or her functions in accordance with the relevant Scheme of Delegation;

**Scheme of Delegation** has the meaning given to it under Rule 21.

**Supplier** means any Person who provides or seeks to provide goods, services or works to the Council.

## Appendix 2

**Table 1 - Pre-Procurement Authorisation, Contract Award Authorisation and Execution Requirements<sup>11</sup>**

### Goods and Services

Cumulative expenditure per contract	Pre- Procurement and Contract Award Authorisation	Execution
Up to but not exceeding £200,000	Authorised Officers in accordance with their delegated financial limits	Less than £25,000 – signed by one Authorised Officer in accordance with their delegated financial limit
		From £25,000 to £200,000 - Signed by Authorised Officers in accordance with their delegated financial limits, and one other officer designated by the Director under the directorate's Scheme of delegation.
Above £200,000 but not exceeding £500,000	Director	Signed by Director and S151 Officer
£500,000 and above	Director and s151 Officer	Sealed by the Director of Law & Governance on behalf of the Council on the instructions of the Director and S151 Officer

### Works

Cumulative expenditure per contract	Authorisation	Execution
Up to but not exceeding £500,000	Authorised Officers in accordance with their delegated financial limits	Less than £25,000 – signed by one Authorised Officer in accordance with their delegated financial limit
		From £25,000 to £200,000 - Signed by Authorised Officers in accordance with their

<sup>11</sup> Framework Agreements and Call Off Contracts should be authorised in accordance with this Appendix 2. However, Framework Agreements over 500k in aggregate value do not need to be sealed but should be signed by a Director and S.151 Officer. Call Off Contracts over 500k should be sealed in accordance with this Appendix 2.

		delegated financial limits, and one other officer designated by the Director under the directorate's Scheme of delegation.
		From £200,000 to £500,000 - Signed by Director and S151 Officer
Above £500,000 but not exceeding £2,000,000	Director	Sealed by the Director of Law & Governance on behalf of the Council on the instructions of the Director and S151 Officer
£2,000,000 and above	Director and s151 Officer	Sealed by the Director of Law & Governance on behalf of the Council on the instructions of the Director and S151 Officer

**Table 2 - Procurement thresholds and processes**

<b>Estimated cumulative expenditure per contract</b>	<b>Competition</b>
<b>Supplies, Services or Works £25,000 or above but less than £100,000</b>  <b>(Quotations)</b>  <b>***For Supplies, Services or Works between £25,000 and £50,000</b>	<p>Authorised Officers must ensure genuine competition by inviting sufficient numbers of Persons (good practice indicates a minimum of 3 selected impartially) to submit written quotations for the goods, services or works required by the Council. Some degree of advertising may be required in accordance with advice from the Relevant Procurement Team.</p> <p>***Except in cases where the subject matter is high-risk or sensitive, the Procurement Team will give limited support during the procurement process. Authorised Officers will be expected to manage the procurement process using available templates, and to report the outcome of the procurement to the Procurement Team.</p>
<b>Supplies, Services or Works £100,000 or above but less than the Procurement Regulations Threshold (or Services where over the Procurement Regulations Threshold but are excluded contracts)</b>	<p>Authorised Officers must ensure genuine competition by seeking advertising for tenders on Find A Tender and/or elsewhere if appropriate in accordance with advice from the Relevant Procurement Team.</p>

<b>(Tenders)</b>	
<b>Equal to or exceeding the relevant Public Regulations Threshold</b>	Tenders must be advertised on Find a Tender using an appropriate procedure under the Procurement Regulations (as advised by the Relevant Procurement Team).

# Officer Employment Procedure Rules

Note: Provisions marked with an asterisk in these Rules are governed by the Local Authorities (Standing Orders) (England) Regulations 2001

## 1. General Responsibilities

1.1. Subject to the provisions set out below, the powers to:

- (i) appoint staff;
- (ii) determine the terms and conditions on which they hold office;
- (iii) determine procedures for their dismissal; and
- (iv) decide appeals under the discipline, grievance and regrading claims procedures;

are discharged by the Remuneration Committee. In addition, these powers are delegated to directors to the extent set under this Constitution's Scheme of Delegation to Officers and the provisions of these Procedure Rules.

1.2. In educational establishments with delegated budgets the duties and responsibilities of the employer fall partly to governing bodies under the relevant Education legislation.

1.3. Directors have authority over all matters relating to staff in their directorates, but must obtain the advice and agreement of the Director of Human Resources (through the County Human Resources Manager) where proposed action might have corporate or wide-ranging implications e.g. grading of senior posts, redundancies, dismissals, etc.

1.4. General personnel policies, changes to overall establishments and grading structures, are the responsibility of the Cabinet, subject to any policy which for the time being the Council has directed should be reserved for its approval.

1.5. The County Human Resources Manager is responsible for advising on issues of personnel policy and practice.

1.6. Directors are responsible for ensuring the promotion of and adherence to the Council's personnel policies in their own directorates.

1.7. In relation to Corporate Services the functions of a Director under these Rules shall be exercised by the Head of Paid Service or by such other officer as he/she may designate for that purpose.

## 2. Structures of Directorates

2.1. Officers in Part 7.1 have the authority to modify their directorate structures to reflect changing needs, to transfer posts within the approved



establishment subject to the concurrence of the Director of Human Resources (through the County Human Resources Manager) Major changes to directorate structures and establishments require the approval of the Cabinet.

- 2.2. Officers in Part 7.1 are responsible for the management of redundancies and redeployment, subject to the concurrence of the Director of Human Resources (through the County Human Resources Manager).

### **3. Salaries and Remuneration**

- 3.1. Changes to the salaries and remuneration of Officers in Part 7.1 require the approval of the Remuneration Committee or a sub-committee of that committee following consultation with the County Human Resources Manager and the appropriate Cabinet Member.
- 3.2. The grading of jobs subject to the terms and conditions of the National Joint Council for Local Government Services will be determined by the Council's Job Evaluation Process in accordance with the local agreement of 8 May 2003.
- 3.3. The Council's Pay Policy will apply to salaries and remuneration.

### **4. Recruitment and Appointment of the Head of Paid Service, and Other Officers in Part 7.1**

- 4.1. \* This Rule (4) applies to: 1
- the Head of the Paid Service;
  - a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;
  - a non-statutory chief officer within the meaning of section 2(7) of that Act; and
  - a deputy chief officer within the meaning of section 2(8) of that Act. (see Annex 3)
- 4.2. \* Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of the Head of the Paid Service, the authority must approve that appointment before an offer of appointment is made to him/her.
- 4.3. \* The Head of Paid Service has delegated authority under the Scheme of Delegation to take any decision of a committee or sub-committee; notwithstanding that provision where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment of any officer to whom this Rule applies, at least one member of the Cabinet must be a member of that committee or sub-committee.

---

<sup>1</sup> The specified designations are interpreted as including both Directors and Deputy Directors, in addition to the post of Chief Finance Officer

- 4.4. Where the Council proposes to appoint an officer to whom this Rule applies and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:
- (i) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
  - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (iii) make arrangements for a copy of the statement as to canvassing mentioned below to be sent to any person on request.
- 4.5. The full Council will approve the appointment of the Head of Paid Service and Monitoring Officer following a recommendation as to such an appointment by a sub-committee of the Remuneration Committee.
- 4.6. Where a sub-committee of the Remuneration Committee appoints officers, in doing so it shall receive and take into account the advice of the Head of Paid Service.
- 4.7. \* An offer of an appointment as an officer to whom this Rule applies must not be made until -
- (i) the authority, or the appointing committee, sub-committee or officer, as the case may be, ("the appointor") has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (ii) the Proper Officer has notified every member of the Cabinet of the authority of -
    - the name of the person to whom the appointor wishes to make the offer;
    - any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
    - the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
  - (iii) either -
    - the Leader of the Council has, within the period specified in the notice under sub-paragraph (ii), notified the appointor that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or
    - the Proper Officer has notified the appointor that no objection was received by him/her within that period from the Leader of the Council; or

- the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

## **5. Other Appointments**

- 5.1. \* Subject to (b) below, the function of appointment of any officer other than those mentioned in Rules (4) and (5) above must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.
- 5.2. \* Nothing in (a) above shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by another person against any decision relating to the appointment of that other person as a member of staff of the authority.
- 5.3. All officers and members who take part in the recruitment process must have completed the Council's recruitment and selection training or be trained to the satisfaction of the Director of Human Resources.

## **6. Canvassing**

- 6.1. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, guardian, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons. No candidate so related to a councillor or an officer will be appointed without the authority of the relevant officer in Part 7.1 or an officer nominated by him/her.
- 6.2. Subject to (d) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 6.3. Subject to (d) below, no councillor will seek support for any persons for any appointment with the Council.
- 6.4. Nothing in (b) and (c) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

## **7. Appraisal and Management Development**

**The Director of Human Resources is responsible for the development of effective arrangements for appraisal and management development, including the provision of a management development programme for designated managers on the basis of management competence needs identified by an officer under Part 7.1. Officers under Part 7.1 are responsible for the conduct of appraisals and management of employees' development and performance.**

## **8. Health and Safety**

- 8.1. The Director of Human Resources is responsible for producing corporate policy and for monitoring the effectiveness of Health and Safety management.
- 8.2. Each Officer under Part 7.1 is responsible for producing policies and methods of working which ensure the Health and Safety of his/her directorate's employees. Managers and supervisors are responsible for ensuring compliance with these policies and for ensuring employees comply with rules and standards.

## **9. Equal Opportunities**

- 9.1. The County Human Resources Manager is responsible for ensuring the effective operation of the employment provisions of the Council's Comprehensive Equality Policy.
- 9.2. Officers are responsible for ensuring the promotion of equal opportunities in employment within their directorates in accordance with the Council's policies and for monitoring progress and providing information to the County Human Resources Manager. Managers and supervisors are responsible for ensuring that employees are aware of their responsibility to avoid unfair discrimination.

## **10. Disciplinary Action and Dismissal**

- 10.1. \* Subject to (d) below, the functions of taking disciplinary action against and dismissal of any officer other than those mentioned in Rules (4) and (5) above must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.
- 10.2. Subject to (a) above, Officers are responsible for the operation of the Council's disciplinary procedures, subject to the advice where appropriate of the Director of Human Resources (through the County Human Resources Manager), with the aim of helping an employee to improve his/her performance or conduct. This responsibility may be delegated via service managers with advice from the appropriate Human Resources Business Partners.

- 10.3. An employee who fails to fulfil the requirements of his/her employment contract because of incapacity through ill health, repeated misconduct or gross misconduct, shall be liable to dismissal in accordance with the appropriate procedures and subject to the concurrence of the Director of Human Resources (through the County Human Resources Manager).
- 10.4. \* Nothing in (a) above shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.\* Neither the Head of Paid Service, the Monitoring Officer nor the Chief Finance Officer may be dismissed by unless the procedure set out in Annex 1 to these rules is complied with.
- 10.5. \* Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of dismissal of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer, the authority must approve that dismissal before notice of dismissal is given to him/her. For the avoidance of doubt, a decision to dismiss any of the aforementioned postholders must be taken by Full Council.
- 10.6. \* The Head of Paid Service has delegated authority under the Scheme of Delegation to take any decision of a committee or sub-committee; notwithstanding that provision where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of dismissal of any officer to whom Rule (4) applies, at least one member of the Cabinet must be a member of that committee or sub-committee.
- 10.7. \* Notice of the dismissal of an officer to whom Rule (4) applies must not be given until:
- (i) the authority, or the dismissing committee, sub-committee or officer, as the case may be, ("the dismissor") has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (ii) the Proper Officer has notified every member of the Cabinet of -
    - the name of the person who the dismissor wishes to dismiss;
    - any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
    - the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
  - (iii) either -
    - the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;

- the Proper Officer has notified the dismissor that no objection was received by him/her within that period from the Leader of the Council; or
- the dismissor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

## **11. Employee Relations and Communications**

- 11.1. Individual Officers, in conjunction with the Director of Human Resources, are responsible for ensuring good working relations with employees and the recognised trade union representatives of the workforce. Officers are responsible for informing and consulting both employees and appropriate recognised trade unions about issues which affect the staff in their directorates and are responsible for local joint consultative working groups.
- 11.2. The Council's Grievance Procedure sets out arrangements for settling grievances at the lowest possible level in the organisation. Where agreement is not reached within the directorate the County Human Resources Manager is to be consulted.
- 11.3. Provisions and guidance on relations and communication between members of the Council and staff are contained in the Protocol on Member/Officer Relations.

## **12. Protocol for Employees Working Part-Time and/or Temporarily for, or Providing Consultancy to, other Bodies or Councils**

**Annex 2 to these Rules is a Protocol which members of staff wishing to take up such forms of employment while employed by the County Council are expected to observe.**

## **Annex 1 – Procedure to be complied with in respect of dismissal of senior officers**

The following procedure is to be followed under Rule 10(e) of the Officer Employment Procedure Rules before the dismissal of the following posts can be undertaken<sup>1</sup>:

- Head of Paid Service
  - Monitoring Officer
  - Chief Finance Officer
1. The authority must invite relevant independent persons to be considered for appointment to a Panel to be established for the purposes of advising the authority on matters relating to the dismissal of the relevant officer, with a view to appointing at least two such persons to the Panel<sup>2</sup>;
  2. The 'independent person(s)' so appointed means any independent person who has been appointed by the authority under section 28(7) of the Localism Act 2011 (for the purposes of advising the authority on complaints against the members' code of conduct);
  3. Where the authority has fewer than two such independent persons, such independent persons as appointed by another authority or authorities may be appointed, as the authority considers appropriate;
  4. Specifically, the authority must appoint to the Panel such independent persons who have accepted the invitation to join it, in accordance with the following priority order:
    - a) An independent person appointed by the authority and who is a local government elector;
    - b) Any other relevant independent person who has been appointed by the authority;
    - c) A relevant independent person who has been appointed by another authority or authorities.
  5. The authority is not required to appoint more than two independent persons but may do so;

---

<sup>1</sup> For the avoidance of doubt, the procedure outlined here is the procedure required to be undertaken under Schedule 3 of the Local Government (Standing Orders)(England) Regulations 2001 (as amended).

<sup>2</sup> The 'Panel' means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes outlined in that paragraph.

6. The authority must appoint any such Panel at least 20 working days before the relevant meeting of the authority<sup>3</sup>;
7. Before taking a vote at the relevant meeting of the authority on whether or not to approve such a dismissal, the authority must take into account in particular:
  - a) Any advice, views or recommendations of the Panel;
  - b) The conclusions of any investigation into the proposed dismissal; and
  - c) Any representation from the relevant officer.

---

<sup>3</sup> That is, the meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer



# **PROTOCOL FOR EMPLOYEES WORKING PART-TIME AND/OR TEMPORARILY FOR, OR PROVIDING CONSULTANCY TO, OTHER BODIES OR COUNCILS**

During contracted work time all employees of the Council are expected to devote their time and efforts exclusively to the work of the Council.

## **1. Release for Outside Work While Employed by the Council**

Where an employee wishes to be released temporarily from his/her duties in order to take up work or consultancy with another Council or body, the employee must:

- (a) consult his/her Director or named manager;
- (b) ensure that the outside work does not conflict with the Council's interests or policies and is not likely to bring the Council into disrepute;
- (c) ensure that the work undertaken will not place risks or workloads on himself/herself so as to cause him/her to be unfit for his/her normal work for the Council.

When a Director or named manager receives a request for an employee to be released he/she has the authority to agree the release in accordance with the Council's time-off policies but must ensure that:

- (d) the employee has fulfilled his/her obligations under paragraph 2 above;
- (e) the Council's services do not suffer detriment as a result;
- (f) any loss or cost to the Council is reimbursed;
- (g) Council facilities or records are only used where explicitly agreed and where there is no cost, risk or loss of efficiency or security to the Council;
- (h) the details relating to the agreement for release are set down in writing for information of all relevant parties.

## **2. Second Jobs**

Where a Council employee takes a second job with another employer while still employed by the Council, the following shall apply:

- (a) All full-time and some part-time employees must consult their Director or named manager before taking up additional employment.
- (b) Employees should notify their manager of all additional employment to ensure that the health and safety of the employee is not jeopardised.

- (c) All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the interests of the Council.
- (d) Council time and facilities must not be used in pursuance of additional employment.

### **3. Special Cases**

- a) In certain areas of employment special arrangements may be required. Directors will ensure that employees are fully informed as appropriate and will communicate special requirements clearly to employees who are affected.
- b) In the case of a Director of the Council, a written request should be made to the Head of Paid Service who will fulfil the necessary checks and decide upon release after consultation with the appropriate member(s) of the Council's Cabinet.
- c) In the case of the Head of Paid Service of the Council, he/she will make a request for release in writing to the Leader of the Council for decision.

## Senior Post and Proposed Appointor

The appointor in each case must advise the Proper Officer of the person it is intended to appoint so that he/she can consult Cabinet members for any comment. No appointment can be made until any comments from the Cabinet members have been considered by the appointor.

NB The Regulatory description reflects current position

<b>Post</b>	<b>Regulatory Description</b>	<b>Appointor under Constitution</b>
Head of Paid Service	Head of Paid Service	Full Council
Director for Children's Service	Statutory Chief Officer	Remuneration Committee
Director for Adult Services	Statutory Chief Officer	Remuneration Committee
Director of Public Health	Statutory Chief Officer	Advisory Appointments Committee*
Director of Finance	Statutory Chief Officer	Remuneration Committee
Monitoring Officer	Statutory Chief Officer	Full Council
Strategic Director of Communities	Non-statutory Chief Officer	Remuneration Committee
Strategic Director of Resources	Non-statutory Chief Officer	Remuneration Committee
Strategic Director for People	Non-statutory Chief Officer **	Remuneration Committee
Director of Digital and ICT	Non-statutory Chief Officer	Head of Paid Service
Director of Human Resources	Non-statutory Chief Officer	Head of Paid Service
Assistant Chief Executive	Non-statutory Chief Officer	Head of Paid Service
Director of Law and Governance	Non-statutory Chief Officer	Head of Paid Service
Various posts – i.e. those reporting to the HOPS, Statutory and Non-Statutory Chief Officers	Deputy Chief Officers (includes Chief Fire Officer)	Relevant chief officer e.g. HOPS, Strategic Director or Director

\* The Health and Social Care Act 2012 requires that each local authority must, acting jointly with the Secretary of State for Health, appoint an individual to have responsibility for its new public health functions, known as the director of public health. An "Advisory Appointments Committee" must be set up in line with Faculty of Public Health guidance, with County Council, Public Health England and Faculty of Public Health representation.

\*\*Although the post of Strategic Director for People is currently filled by the Director of Public Health, the *position* of Strategic Director for People is a non-statutory chief officer position, reporting to the Head of Paid Service.

# Members' Code of Conduct

V5 08.02.22 – Approved by the Council 5 April 2022 - Implemented from 1 May 2022

## 1. **Introduction**

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the Localism Act 2011.

## 2. **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

## 3. **Definitions**

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the local authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

3.1 is a member of any committee or sub-committee of the authority, or;

3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

## 4. **General Principles of Councillor Conduct**

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and

- lead by example and act in a way that secures public confidence in the role of Councillor
- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

## 5. **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and Parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## 6. **Standards of Councillor Conduct**

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

## **6.1 Respect**

### **A Councillor:**

**6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.**

**6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-Officer protocol.

## **6.2 Bullying, Harassment and Discrimination**

### **A Councillor:**

**6.2.1 Shall not bully any person.**

**6.2.2 Shall not harass any person.**

**6.2.3 Shall promote equalities and not discriminate against any person.**

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **6.3 Impartiality of Officers of the Council**

**A Councillor:**

**6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **6.4 Confidentiality and access to information**

**A Councillor:**

**6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. They have received the consent of a person authorised to give it; or**
- ii. They are required by law to do so; or**
- iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**



**iv. The disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**

**6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**

**6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.**

**6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**

## **6.5 Disrepute**

**A Councillor:**

**6.5.1 Shall not bring their role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

## **6.6 Use of position**

**A Councillor:**

**6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.**

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

## **6.7 Local authority Resources and Facilities**

**A Councillor:**

**6.7.1 Shall not misuse council resources.**

**6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to**

**facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.**

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

## **6.8 Compliance with the Code of Conduct**

**A Councillor:**

**6.8.1 Shall undertake Code of Conduct training as required by the local authority.**

**6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.**

**6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.**

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

## **7. Registering and Declaring Interests**

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

## **7.1 Disclosable Pecuniary Interests**

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it. You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

## **7.2 Other Registerable Interests**

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **7.3 Non-Registerable Interests**

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which ***affects*** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and Appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## **8. Gifts and Hospitality**

### **A Councillor:**

**8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B: Disclosable Pecuniary Interests

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below. **"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. This table sets out the explanation of Disclosable Pecuniary Interests as set out in [The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk). (legislation.gov.uk)

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

## **Land and Property**

Any beneficial interest in land which is within the area of the Council.

‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

## **Licenses**

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer

## **Corporate tenancies**

Any tenancy where (to the Councillor’s knowledge)—

(a) the landlord is the Council; and

(b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director\* of or has a beneficial interest in the securities\* of.

## **Securities**

Any beneficial interest in securities\* of a body where—

(a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the council; and

(b) either—

(i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom



the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.

\*‘Director’ includes a member of the committee of management of an industrial and provident society.

\*‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Appendix C: Disclosure of Other Registrable Interests**

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## **Part 9.2: Protocol on Councillors' Rights and Responsibilities**

### **1. Introduction**

- (a) This Protocol sets out the rights of individual members of the Council to obtain information, inspect documents and attend meetings. This protocol should be read in conjunction with other elements of this Constitution. Advice on the interpretation of this protocol will be given by the Monitoring Officer.
- (b) In law all Councillors are equal and have the responsibilities of trustees. However, legislation, and guidance issued under it, gives certain powers and duties to the different roles which Councillors may play e.g. Chair of the Council, Leader of the Council, Cabinet member, Chair of a Scrutiny Committee.
- (c) It is the responsibility of Councillors themselves to ensure that they are aware of their rights and responsibilities. If Councillors are ever in any doubt in terms of the law, the Constitution, general propriety, conflicts of interest, they should consult the Monitoring Officer. Similarly, they should consult the Chief Finance Officer in respect of financial advice.

### **2. Opposition Leader, Deputy Leader and Shadow Cabinet**

The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Opposition. The Opposition may appoint a Leader, Deputy Leader and other Councillors (not being more than the number of Councillors in the Council's Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet members as set out in the relevant part of this Constitution. Collectively these Opposition Councillors will be termed the Shadow Cabinet. Only one member of the Opposition may be appointed to shadow any one Cabinet position.

### **3. Rights of the Shadow Cabinet to Make Opposition Statements at Cabinet Meetings**

At meetings of the Cabinet or any committee of the Cabinet or when an individual member of the Cabinet is taking decisions in accordance with the rules set out in the Constitution, Shadow Cabinet Councillors will have the right to attend and make a formal Opposition statement on a matter under consideration. This right will extend only to the Shadow Cabinet member in relation to the functions of the Cabinet for which they are the shadow. Notice by the Shadow Cabinet of the intention to make a statement shall be given by 9 am on the working day before the meeting. Such a statement may be made at any time during the consideration of that item at the meeting and shall not exceed a period of five minutes. However, this will not prevent the person

presiding inviting the Shadow Cabinet member to make any additional comment during the consideration of that item of business. If the Shadow Cabinet member is unable to attend, then the right can be exercised by the Leader or Deputy Leader of the Opposition.

#### **4. Rights of Shadow Cabinet Members to Private Briefings**

The Shadow Cabinet members shall have the right to request private briefings from Officers and in such cases the procedures set out under political activity in the Protocol on Councillor/Officer Relations will apply.

#### **5. Rights of the Opposition and Other Groups to Put Forward Their Own Budgets**

The political groups of the Council, other than the Group(s) in power from which the Cabinet is drawn, will have the right to put forward their own proposed budgets for consideration at the relevant Council meeting (normally the February one).

#### **6. Rights of Councillors to Attend Meetings**

- (a) All Councillors have the right to attend meetings of the Full Council and to speak and vote on matters coming before it. Councillors who are appointed to a particular body (such as a committee or sub-committee) may attend, speak and where appropriate vote on matters before that body.
- (b) Any member of a committee or sub-committee, who is unable to attend a meeting of that committee or sub-committee may give notice directly or indirectly to the Director of Law & Governance of their resignation from the committee or sub-committee on a temporary basis for the duration of that meeting only. Upon receiving notification of any such temporary resignation, the Director of Law & Governance shall make a temporary appointment to the committee or sub-committee for that meeting only.
- (c) All Councillors have the right to attend, as non-speaking observers, any meeting of the Cabinet or a committee of the Cabinet where decisions are to be taken, or of a Scrutiny Committee (or sub-committee), or of a committee (or sub-committee) of the Council or when an individual Cabinet member is taking decisions. Councillors may attend and speak at any meeting to which they have been invited either as part of any rights conferred by this Constitution (including the Councillor Call for Action in Part 9.3, which enables Councillors to require matters relating to the area they represent to be considered by the relevant Scrutiny Committee) or at the invitation of the person presiding at any meeting.

- (d) The rights conferred in (c) above do not apply in relation to any part of a meeting from which the public has been excluded. A Councillor has a right to attend that part of a meeting, as a non-speaking observer, if they can demonstrate a 'need to know'. Where a Councillor wishes to attend as they believe that there is a 'need to know' in order to properly fulfil their duties as a Councillor then the following procedure should be followed:
1. The request should be made in writing to the Chair of the committee, giving reasons why it is necessary for the Councillor to attend the meeting in order to fulfil their duties as a Councillor.
  2. The Chair of the committee may decline the request of a Councillor to attend where in their view attendance:
    - is not necessary for enabling the Councillor to fulfil their duties as a Councillor; and/or
    - should not be allowed for some other good reason(s) (which reason(s) shall be specified in writing to the Councillor).
  3. Where a Councillor is dissatisfied with a determination of the chair under this procedure, they may refer the matter to the Monitoring Officer for determination.
- (e) The Leader of the Council, the Deputy Leader of the Council, the Leader of the Opposition (or their substitutes) and the Chair of the Council shall be entitled to attend and speak but may not vote at meetings of any Council committee or sub-committee (not being a sub-committee which is dealing with individual cases) of which they are not a member.
- Any Councillor may at the invitation of the Cabinet, committee of the Cabinet, individual member of the Cabinet, Scrutiny Committee or committee and sub-committee of the Council, participate in any informal Councillor advisory group(s), established by those individuals or bodies, except that no member of the Cabinet may serve as a member of any advisory group established by a Scrutiny Committee.

## **7. Rights of Councillors to Place Items on Agenda**

- (a) All Councillors will have the right to propose a motion for consideration at a meeting of the Full Council.
- (b) In accordance with the Cabinet Procedure Rules, the following will apply to placing Councillor items on the agenda of the Cabinet:-
- (i) Any member of the Cabinet may request the Proper Officer that an item be placed before the Cabinet. The Proper Officer will arrange for the Cabinet to consider, in the context of the Forward Plan, what arrangements to make for consideration of that item.
  - (ii) Any Councillor may make a request through a member of the Cabinet that an item be placed before the Cabinet. If the Cabinet member endorses the request and so notifies the Proper Officer, that Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration

of that item. When any such item is considered by the Cabinet the agenda for the meeting will give the name of the Councillor who asked for the item to be considered. The individual Councillor shall be invited to attend and speak at the meeting during consideration by the Cabinet of that item. If a Councillor believes that a matter should be placed before Cabinet but has been unable to get the necessary Cabinet Member endorsement, they should notify the Monitoring Officer.

- (c) In accordance with the Scrutiny Procedure Rules, the following will apply to placing Councillor items on the agenda of a Scrutiny Committee:
- (i) Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the committee to be included on the agenda for that committee. The Proper Officer will then inform the Chair of the committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee. The individual member shall have a right to speak at the meeting during consideration by the Scrutiny Committee of that item.
  - (ii) Any Councillor shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Part 9.3, to the Proper Officer that they wish an item concerning their Electoral Division and which is relevant to the functions of the committee to be included on the agenda for that committee. If the Proper Officer receives the request at least 15 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee. The Councillor shall have a right to speak at the meeting during consideration by the Scrutiny Committee of that item.
  - (iii) The leader of any political group on the Council may request the Chair and Deputy Chair of a Scrutiny Committee to include an item relevant to the functions of the committee on the agenda of that committee. If the Chair and Deputy Chair so agree, they shall request the Proper Officer to include such item on the agenda of that committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that committee.
  - (iv) Any 10 members of the Council who are not members of the relevant Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the relevant Scrutiny Committee. If the Proper Officer receives the request at least 10 working days before a scheduled meeting of that committee and the Chair of the committee agrees, they will include it on the agenda for that meeting; otherwise (subject to

the agreement of the Chair of the committee) it will be placed on the agenda for the following meeting of that committee. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.

- (d) Any Councillor may request the Proper Officer to include an item on an agenda for a Council committee or sub-committee (other than a Scrutiny Committee – provisions for which are set out above) provided that the Chair of the committee agrees and:
  - (i) notice of the request is received by the Proper Officer by 5.00 p.m. on the tenth working day before the meeting of a committee or sub-committee;
  - (ii) the subject matter of any such notified item is relevant to the powers/functions of the committee or sub-committee; and
  - (iii) the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.

The individual Councillor shall be invited to attend and speak at the meeting during consideration by the committee or sub-committee of that item. Any disputes over the refusal of the Chair of the committee to include items shall be referred to the Monitoring Officer.

## **8. Information for Councillors**

### **(a) Cabinet Forward Plan, Agenda, Reports and Minutes**

All Councillors have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;
- (ii) the agenda, reports and minutes of each meeting of the Cabinet or a committee of the Cabinet.

The voting co-opted members (for definition see Part 6.2 para 3) of the People Overview and Scrutiny Committee will have the right to receive an electronic copy (or hard copy on request) of:

- (i) the Cabinet Forward Plan each month when it is published;
- (ii) any items on an agenda of the Cabinet or any committee of the Cabinet which concern the discharge of any education functions.

(b) **Agenda, Minutes and Reports of the Council and its committees (including Scrutiny Committees)**

All Councillors will be entitled to an electronic copy (or hard copy on request) of the agenda, reports and minutes for meetings of the Full Council. All members of the relevant committee (or sub-committee) of the Council will be entitled to an electronic copy (or hard copy on request) of the agenda, reports and minutes for meetings of the committee if they so wish.

**9. Effective Communication with Councillors**

- (a) The Cabinet will ensure that there are effective communications with all Councillors and ensure that there is wide consultation with all Councillors both within the formal decision-making process and outside it.
- (b) Officers are required to keep Councillors informed, both about the major issues concerning the County Council and other matters which affect the County, and Directors have a responsibility to put in place mechanisms to ensure that this happens.
- (c) Officers are required to keep Councillors informed and consult them in advance about significant issues which affect or may affect the areas which a Councillor represents including:
  - (i) the sale or purchase of any land;
  - (ii) a proposed traffic management scheme or a proposed local planning application;
  - (iii) where legal/administrative action is to be taken on behalf of the Council involving the publication of statutory or other public notices;
  - (iv) consultation prior to any decision being made about the construction of any new road, service area, building or footpath or the postponement or cancellation of such projects or diversion or extinguishment of any public footpath;
  - (v) copies of letters or e-mails received from other statutory bodies informing the Council of any new scheme of works, e.g. the laying of a new sewer or gas main through the division;
  - (vi) copies of letters or e-mail messages sent by any member of the Cabinet, or an officer in reply to any District Councillor or Town/Parish Councillor on a divisional matter;
  - (vii) consultation about proposed section 106 and other infrastructure agreements and progress reports on implementation of completed agreements, in accordance with guidance issued by the relevant Director.



- (d) The Director for Children, Education & Families will ensure that Councillors are informed about significant matters concerning schools whose catchment areas lie within their divisions.
- (e) Constituency correspondence from or to a Member of Parliament will be copied to a relevant Councillor if the MP indicates a willingness for it to be copied to a Councillor.
- (f) Where the Cabinet or a committee of the Cabinet, or an individual Cabinet Councillor, or a committee or sub-committee of the Council is to consider any matter which directly relates to an Electoral Division, the Councillor for that Division will be consulted before any decision is reached. This will also apply to any Scrutiny Committee where it is reviewing a decision or investigating any matter which relates to one Electoral Division. The Councillor's right to comment will include:
  - (i) the submission of written comments to the Proper Officer for report to the decision maker;
  - (ii) attendance at the meeting at which the decision is to be made and the right to speak on it for not more than five minutes;
  - (iii) Where the decision is to be made by an individual member of the Cabinet, the local Councillor will be given every opportunity of meeting with the decision maker prior to the decision being made.
- (g) Councillors will be invited to attend the opening of a new County Council building or road scheme or other ceremonies or events in their electoral division.

## **10. Local Meetings**

Where the Cabinet, a committee of the Cabinet, an individual Cabinet Member, a committee or sub-committee of the Council or an officer has organised any meeting to discuss with a local group(s) issues specifically affecting their divisions, the local Councillor(s) will be advised and have the right to attend and speak at such meetings.

## **11. Rights of Councillors to Access to Documents and Other Information**

### **(a) Material Relating to Key Decisions**

In accordance with the Access to Information Procedure Rules, all Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet Member which relates to any key decision to be taken as set out in the Forward Plan unless paragraph (i), (ii) or (iii) below applies:

- (i) it is a private briefing document from an officer to the Cabinet, individual Cabinet Member or a political Group;

- (ii) it contains exempt information falling within paragraphs 1, 2, 3 (if relating to contract terms in the course of negotiation), 4, 5, 7 or 7A-C of the categories of exempt information as defined in the Access to Information Procedure Rules;
- (iii) it contains the advice of a political adviser.

Where a Councillor wishes to inspect any document, which contains exempt information falling within (ii) above as they believe that there is a "need to know" in order to properly fulfil their duties as a County Councillor then the following procedure should be followed:

1. The request should be made in writing to the relevant Chief Officer who has possession of the information, giving reasons why it is necessary for the Councillor to have the information in order to fulfil their duties as a Councillor.
2. A Chief Officer may decline the request of a Councillor to produce for inspection a document where in their view access to the document:
  - is not necessary for enabling the Councillor to fulfil their duties as a Councillor; and/or
  - should not be provided for some other good reason(s) (which reason(s) shall be specified in writing to the Councillor).
3. Where a Councillor is dissatisfied with a determination of a Chief Officer under this procedure they may refer the question to the Monitoring Officer.

(b) **Material Relating to Executive and Non-Executive Decisions and to Previous Business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet or a committee of the Cabinet or an individual Cabinet Member or a committee or sub-committee of the Council and contains material relating to any business to be transacted at a meeting or previously transacted at a meeting unless either (i), (ii) or (iii) in (a) above applies, in which case the procedures in (a) 1 - 3 above will apply to any requests for access to confidential or exempt information.

(c) **Restriction on Disclosure of Confidential and Exempt Information**

The Code of Conduct set out in this Constitution restricts the disclosure of information by Councillors which they have gained as County Councillors when the information is confidential or exempt or is marked "Not for Publication". Such information should not therefore be made available by the Councillor concerned to the public. When the Proper Officer has restricted circulation of the report it should not be passed on to another Councillor without the Proper Officer's consent (which will be based on a determination of a 'need to know').

## **12. Criminal Records Checks for Councillors**

In accordance with the Council's decision on 10 September 2013, all Councillors will be required immediately after their election to undergo a criminal records check through the Disclosure and Barring Service (DBS). No Councillor or co-opted Councillor shall be required to undergo checking if they have been the subject of a DBS check within the previous twelve months of their election or appointment.

## **13. Access to County Council Establishments**

- (a) Councillors should have access to any County Council establishments or premises where this is necessary for them to discharge their responsibilities as County Councillors. However, Councillors should always inform the manager of the establishment or a senior officer responsible for the service before they visit to ensure that it is convenient to do so.
- (b) Councillors should be sensitive to the fact that some establishments will be home to those who live there and they should therefore seek to ensure that their visit does not adversely affect the running of the establishment or disturb the residents who live there.
- (c) Where Councillors wish to undertake activities in any County Council premises, this should be purely in connection with their duties as County Councillors and not for any other purpose.

## **14. Use of County Council Equipment and Services**

Where facilities, equipment and services are provided to councillors this is made available on the basis that it is to enable them to carry out their activities as County Councillors and should be used only on that basis. A separate policy (including an Annex for Councillors and co-opted Councillors) on the acceptable use of ICT has been agreed by the Council and it is appended to this Protocol.

## **15. Nature of Rights**

The rights of Councillors set out in this Protocol are additional to any other rights conferred by this Constitution or which they may have under the law.

# Councillor Call for Action (CCfA) – Guidance for Members

## 1. Introduction

As part of their community leadership role Members have always sought to resolve issues on behalf of their constituents. Section 21A of the Local Government Act 2000 provides an additional avenue for members to pursue issues if they feel the traditional methods of resolution have not achieved the desired outcome. The Councillor Call for Action (CCfA) will provide members with the opportunity as a means of 'last resort' to request that an issue affecting their electoral Division and which is of local concern to their constituents is included on an agenda of the relevant Scrutiny Committee.

CCfA can be used for issues designated in the Act as 'local government matters'<sup>1</sup>. As well as council specific functions, members can use CCfA in relation to the Council's partners and their responsibilities for delivering Local Area Agreement targets. Additionally, under the Police and Justice Act 2006 members are also able to raise a crime and disorder matter in their area using the CCfA mechanism (but only in respect of those partners who are represented on Crime & Disorder Reduction Partnerships and in relation to the discharge of their crime and disorder functions).

This guidance is aimed at assisting members to make best use of the new powers.

## 2. How should I attempt to resolve a local issue?

Members have traditionally used a wide range of ways to try to resolve issues on behalf of their constituents. The following list highlights a number of approaches commonly taken:

- Informal and formal discussions with Cabinet Members and senior officers
- Communication with members in other authorities
- Communication with local MPs
- Raising the issue at an appropriate local group or partnership body
- Formal letters written on behalf of constituents
- Where appropriate organising local meetings or holding a public meeting

---

<sup>1</sup> "local government matter", in relation to a member of a local authority, means a matter which—

(a) relates to the discharge of any function of the authority,

(b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and

(c) is not an excluded matter. (see section 6 below: 'When will CCfA not be taken forward?')

- Providing advice about or helping with petitions
- Questions at Committee, Cabinet or Council
- Submitting a motion to Council
- Requesting that a topic for review is included in the scrutiny work programme
- Assisting with a formal complaint
- Giving advice about a Freedom of Information (Fol) request
- Web or e-mail based campaigns

This is not a hierarchical list and members will choose different routes depending on personal preference and the issue in question. If there is no resolution of the issue and a local member feels that insufficient action has been taken to try and resolve it then they can use the CCfA to raise the issue at the relevant overview and scrutiny committee.

As all members of the Council are able to refer an issue in their area to the relevant Scrutiny Committee, in multi-member electoral Divisions the agreement of the other member(s) in the Division to take this action would not be required. However, in making a case to the Committee it will be more powerful if all the County Councillors in the Division have discussed the issue and agree that its referral is appropriate. In the case of District Council functions it will be for a District Councillor within the area to take up the issue with a District Council Overview and Scrutiny Committee. Often, more complex issues will affect both the County and District Councils and also partner bodies, in these cases it would again make a more powerful case if all the Councillors in the area are agreed on how the issue should be dealt with and to which Council the CCfA will be referred. This will also help to avoid duplication and confusion on the part of partners and the public.

### **3. Examples of where members may wish to use CCfA**

The following are examples of where a member may wish to use a CCfA if other avenues of resolution have failed:

- Sustained poor performance at a school
- A series of complaints about recycling services in a local area, which demonstrate a continuing trend of poor performance
- Poor access to a particular public building for users where no one organisation is taking responsibility for the issue
- Persistent drainage and flooding problems in a residential area
- Continued public transport problems in relation to a group of villages

Government Guidance on behalf of the Department for Communities and Local Government - together with the Centre for Public Scrutiny gives further examples of how this new power might be used.

#### **4. What is the process for the CCfA to be discussed at a Scrutiny Committee?**

Where a member is satisfied that s/he has tried all the appropriate avenues to resolve a local issue without success and they wish to proceed with a CCfA only then should the process be initiated by giving notice in writing to the Proper Officer not less than 15 working days before the next meeting of the Scrutiny Committee.

The notice to the Proper Officer should set out clearly what the issue is about, what resolution is being sought, what steps have already been taken and the outcome. The member should enclose any background papers and copies of any relevant correspondence.

Where the issue involves the functions of more than one Scrutiny Committee, the Proper Officer will, after consulting with the Chairs of the relevant Scrutiny Committees, decide which of the Committees will deal with it. Prior to the issue being placed on the agenda for the appropriate Scrutiny Committee, a meeting will normally be held between the member putting forward the CCfA and the Chair and Deputy Chair of the Committee in order to agree how it will be handled. The meeting gives an opportunity for them, along with the relevant officer/partner representatives to agree:

- Outcomes expected by the member putting forward the CCfA
- Key issues to be addressed at the meeting
- The information required
- Relevant witnesses who may be called at a future meeting, if the matter is subsequently taken forward by the committee

At the meeting of the Scrutiny Committee the local member(s) will be asked to outline the issue and what actions s/he has taken to try to resolve it locally. The Committee will be able to question the local member(s). The Committee will then need to decide whether or not it wishes to take up the issue on behalf of the local member. If the Committee decides not to take up the issue it must give its reasons for not doing so to the local member.

If the local member is not able to attend the meeting, a written statement outlining the issues must be submitted for the Committee's consideration at the meeting. If the Committee decides not to proceed further with the CCfA it must notify the member of its decision and the reasons for it.

#### **5. What options are there for a Scrutiny Committee in pursuing a CCfA?**

If the Scrutiny Committee decides to pursue the CCfA, it then needs to decide how to deal with the issues raised and identify solutions to be recommended. This will include consideration of relevant evidence and the hearing of witnesses, as appropriate. How the Committee chooses to deal with the CCfA issues will depend upon the complexity of them and whether or not they have wider implications for

the policies or service delivery of the Council or its partners. The following are some examples of how a Scrutiny Committee might take a CCfA issue forward:

- The issue is dealt with at a single committee meeting either as a stand-alone item or as part of a larger issue the Committee is addressing
- The issue is used as evidence within an existing piece of scrutiny work which has a wider remit
- A Scrutiny review group is established to investigate the issues
- A Joint piece of scrutiny work is initiated between local authorities

Following its investigation into the issues raised by the CCfA the Scrutiny Committee can make recommendations in the usual way to the Cabinet or partner body to seek a resolution of the issue. A copy of any report or recommendations made by the Committee must be given to the member who raised the CCfA.

## 6. When will consideration of a CCfA be excluded?

The legislation<sup>2</sup> sets out a small number of exclusions from CCfA if:

- The matter is vexatious, discriminatory or not reasonable to be included in the agenda or included for discussion at the Scrutiny Committee
- The issue is one where an individual or body has a statutory right to a review or appeal<sup>3</sup> (other than a right to complain to the Local Government Ombudsman)
- Matters relating to planning or licensing decisions.

In relation to the last two exclusions, if the issues relate to a systematic failure in the discharge of a function, they can still be the subject of a CCfA.

Regardless of whether a CCfA is successful, the issue will be logged in order to ensure that common themes are identified to inform the scrutiny work programme.

## 7. Where can I find out more?

The following websites are a useful source of information on CCfA:

[www.cfps.org.uk](http://www.cfps.org.uk)

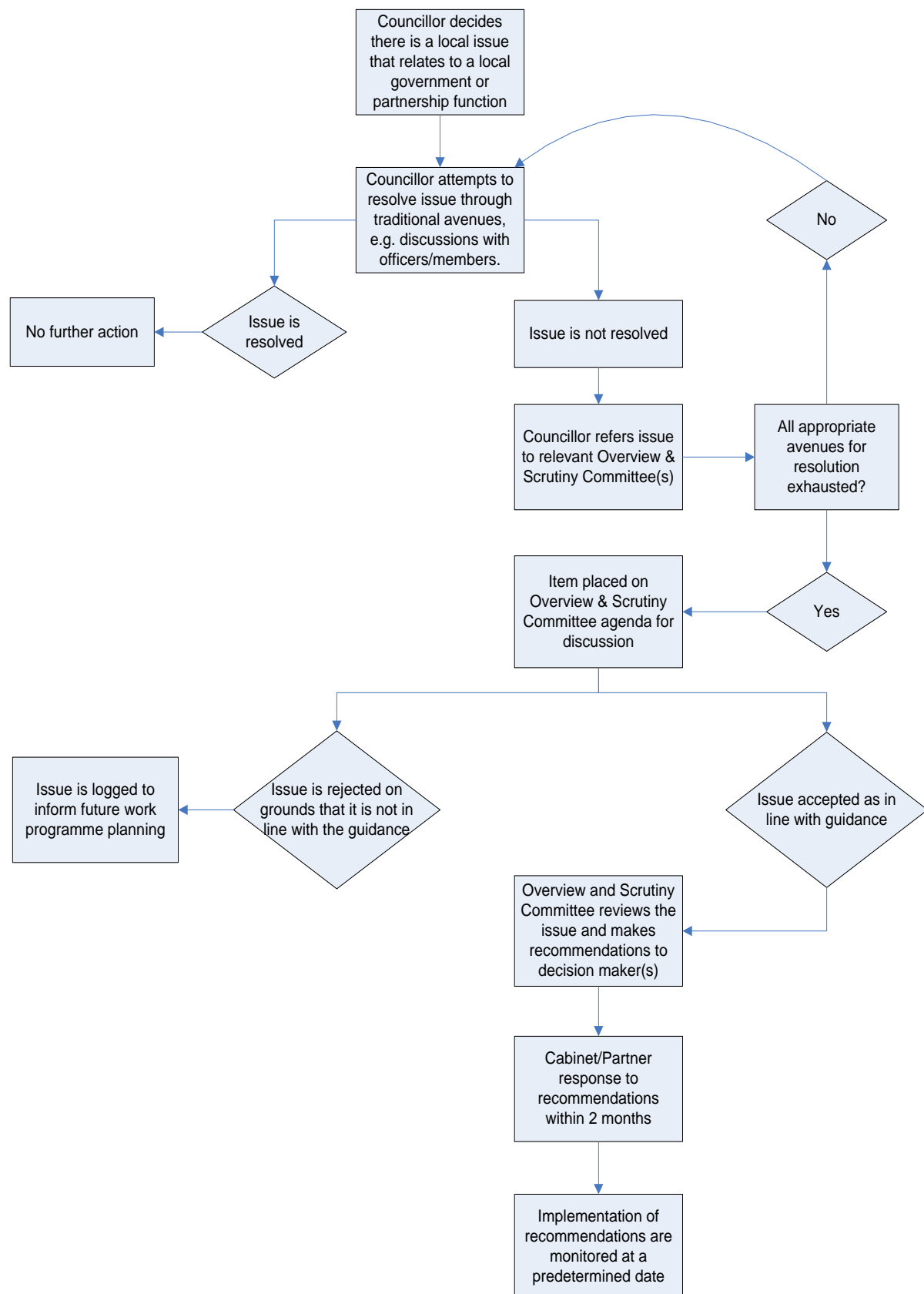
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

---

<sup>2</sup> The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012

<sup>3</sup> This includes individual staff matters and legal proceedings

## Flow Chart for Councillor Call for Action (CCfA)





# ICT Acceptable Use Policy Appendix for Councillors and Co-opted Members

## 1. Purpose

This annex sets out guidance for councillors and co-opted members on the acceptable use of council ICT facilities and should be read in conjunction with the ICT Acceptable Use Policy.

All councillors need to use County Council's ICT facilities in carrying out their duties as a member of the council and as an elected representative of their local area. Co-opted Members may need to use the County Council's ICT facilities in their capacity as a co-opted member of the Council and as a representative of a body or group. This guidance should be followed by all councillors and co-opted members when using council ICT facilities at home, in council premises or elsewhere.

## 2. What are your responsibilities?

### Members' Code of Conduct

Under Section 6 (2) of the Members' Code of Conduct you: must when using or authorising the use by others of the resources of your authority:

- (a) act in accordance with your authority's reasonable requirements; and
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes)

## 3. What does the Policy include?

This Policy includes the use of the following, which should only be used for council business purposes:

- (a) Council provided equipment e.g. laptops, desktop PCs, printers, photocopiers, phones, mobiles, PDAs (e.g. BlackBerrys), fax machines.
- (b) Council provided systems e.g. email, internet, intranet, Word.
- (c) Council provided consumables and devices e.g. memory sticks.
- (d) Council provided broadband connections

#### **4. Policy compliance**

Any breach of the Policy by a member, or exceptions to it, will be dealt with by the Council's Assistant Head of Finance (Audit) or the Monitoring Officer. Any serious breach of the Policy will be referred to the Monitoring Officer if it appears also to be a breach of the Members' Code of Conduct.

If you believe that others are not using systems appropriately then you should contact the Council's Monitoring Officer or the Assistant Head of Finance (Audit) – see Raising Serious Concerns & Whistleblowing guidance for councillors.

#### **5. Not to be used for purely Political Purposes**

Any ICT facilities provided by the Council for elected members to carry out their duties as councillors are to be used for those duties only. The Council's ICT equipment, systems and devices should not be used for purely party political purposes e.g. canvassing and electioneering etc.

Examples:

(a) Councillors should not:

- (1) use council facilities to publish purely political material, including party political material.
- (2) publish their County Council email address on election campaign publicity i.e. a separate email address must be used.

(b) Councillors can:

- (1) Reply to and deal with all queries/correspondence from constituents on council provided facilities
- (2) Use council facilities to publish details of councillor surgeries
- (3) Continue to use ICT facilities for councillor-related duties during the period leading-up to an election

#### **6. Not to be used for Private Business Purposes**

Council facilities, including information and officers, should not be used for private business purposes or for furthering your business interests. When dealing with councillor-related business you should not be publicising your professional business.

## **7. Removable media**

If members need to use memory sticks then only those supplied by ICT Services should be used. These memory sticks have an automatic password facility to ensure no unauthorised access to the data. Contact the ICT Service Desk.

## **8. Communications – Security**

### **Locking screen**

- When going away from a computer but leaving it switched-on, the screen must be locked by pressing Ctrl-Alt-Delete simultaneously then clicking Lock Computer. When returning to the computer, unlock it by pressing Ctrl-Alt-Delete and typing in your log-in password.

### **Log-in Password**

- When using computers at County Hall periodically you will receive a message to state your current password will expire and ask you to change your password. If your password has expired without being changed then contact the ICT Service Desk.

## **9. Using the Internet**

### **Internet Search**

- Be careful about the keywords you put into an internet search facility to ensure you do not accidentally access an unauthorised website

### **Access to unauthorised site**

- If you do accidentally access an unauthorised website then inform the ICT Service Desk as soon as possible.

## **10. Returning Equipment**

Where a Member is not re-elected or has to or chooses to stand down, IT equipment loaned to that person must cease to be used and must be returned within a month.

If the Democratic Support Manager requests the return of any equipment at any time then this request must be complied with.

### **Related documents:**

Members' Code of Conduct

Raising Serious Concerns & Whistleblowing guidance for councillors

Access to Information Procedure Rules

Protocol on Members Rights and Responsibilities

# **OXFORDSHIRE COUNTY COUNCIL**

## **MEMBERS’ PLANNING CODE OF PRACTICE**

### **Members Planning Code of Practice**

If you have any doubts about the application of this code to your own circumstances you should seek advice, preferably well before any meeting takes place.

# Contents

	<b>Page Number</b>
<b>ABOUT THIS CODE</b> .....	9-42
<b>THE PLANNING SYSTEM – THE MEMBERS' ROLE</b> .....	9-42
<b>KEY POINTS (GOLDEN RULES)</b> .....	9-42
<b>ESSENTIAL DO'S AND DON'TS</b> .....	9-43
Disclosable pecuniary Interests .....	9-43
Where you have a disclosable pecuniary interest.....	9-43
Your own proposals.....	9-44
Where you have no disclosable pecuniary interest.....	9-44
Bias and pre-determination – don't fetter your discretion .....	9-44
Where you have fettered your discretion .....	9-45
County Council proposals .....	9-45
Participation in discussions of consultee bodies .....	9-45
How to deal with lobbying .....	9-46
Dealing with Particular Groups .....	9-46
Applicants/Developers .....	9-46
Lobby Groups .....	9-47
Political Groups.....	9-47
Presentations.....	9-47
Undue or excessive lobbying .....	9-47
Gifts and hospitality .....	9-48
Dealings with officers.....	9-48
Site Visits.....	9-48
Communication with the public at Committee Meetings .....	9-49
Making decisions .....	9-49
Where the officers' recommendation is not accepted .....	9-49
Procedure if the officers' advice is not to be followed .....	9-50
Training .....	9-50
<b>SANCTIONS</b> .....	9-50
Sanctions (including offences).....	9-50
External sanctions .....	9-51
Local Government Ombudsman .....	9-51
Appeals to the Secretary of State .....	9-51
Judicial Review .....	9-51

## **This Code:**

- was originally prepared in response to the Local Government Association’s Guidance Note on the preparation of Local Codes of Good Practice on Planning and has been updated to reflect changes in law and practice since that was issued;
- is based on a Model Code which was prepared by the Association of Council Secretaries and Solicitors;
- supplements the Members’ Code of Conduct; and
- applies to:
  - o Members **at all times** when involving themselves in the planning process
  - o at less formal occasions such as meetings with officers or the public and at consultative meetings
  - o both planning application matters and to enforcement matters.

## **The Planning System – The Members’ Role**

The key purpose of the planning system is to manage development in the public interest. The Members’ role is to make planning decisions

- openly and transparently
- impartially
- for justifiable planning reasons.

**This Code aims** to ensure that all decisions are made in accordance with these principles.

## **Key Points (Golden Rules)**

Planning decisions involve a balance between private and public interests where opposing views are often strongly held.

Your overriding duty is to the whole community not just to the people in your constituency.

Decisions must not only **be** impartial they must be **seen to be** impartial. You should not favour, or appear to favour, any person, company, group or locality. You should not give the appearance of pre-judging (“pre-determining”) the matter before it is considered by the Committee.

Planning decisions must be made in accordance with the statutory development plan unless material planning considerations indicate otherwise.<sup>1</sup>

The views of officers involved in the determination of planning matters will be presented on the basis of their overriding obligation of professional independence.

---

<sup>1</sup> Section 38(6) Planning & Compulsory Purchase Act 2004

You may think that material planning considerations outweigh the development plan, or take a different view of the planning balance than is contained in the officer recommendations. You are fully entitled to do so but you will need to make sure that you can clearly identify and support the planning reasons leading to this conclusion/decision. Advice should still be sought from Planning Officers in relation to setting out the rationale for your decision.

## **Essential – Do's and Don'ts**

### **Disclosable Pecuniary Interests**

**DO**, as soon as you become aware that you have a disclosable pecuniary interest in any matter to be discussed at a meeting, make a verbal disclosure of that interest.

**DO** leave the meeting before that matter is discussed or, if you realise after the discussion has begun, as soon as you have made your disclosure.

**DON'T** participate in the discussion or vote on a matter in which you have a disclosable pecuniary interest unless you have been granted a dispensation.

**DO** notify the Monitoring Officer of your disclosable pecuniary interest in writing within 28 days of your disclosure unless it is already included on your register of interests form published on the Council's web site.

**DO** seek advice from the Monitoring Officer if you are in any doubt about what to do.

### **Where you have a Disclosable Pecuniary Interest**

**DON'T** get involved in the processing of the application.

**DON'T** attend any formal or informal meeting about the application or seek to speak at meetings.

**DON'T** try to represent local views.

**DON'T** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

**DON'T** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor. This would include, where you have a disclosable pecuniary interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

**DO** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer (in person or in writing), the Code places greater expectations as to conduct than would be imposed on a normal member of the public.

## **Your Own Proposals**

**DO** notify the Monitoring Officer, in writing, of your own proposals and those where you act as agent for a third party - this notification should be made no later than the submission of the application. These proposals may be reported to the Committee as main items and not dealt with by officers under delegated powers.

## **Where you have no Disclosable Pecuniary Interest**

**Yu** may take part in the decision making process but need to take account of the following points:-

**Do** keep at the front of your mind that, when you come to make a decision, you:

- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
- must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a member, in giving fair consideration to points realised;
- are only entitled to take into account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations

## **Bias and predetermination – don't fetter your discretion<sup>2</sup>**

**DON'T** fetter your discretion by approaching the decision with a closed mind. Doing so will prevent you from participating impartially in planning decisions: making up your mind ("**pre-determination**"), or even appearing to make up your mind in advance of the Committee meeting, and of your hearing the arguments on both sides, may put the Council at risk of legal proceedings.

### **Remember:**

- Planning decisions should only be taken with knowledge of all the relevant considerations, including responses to consultations where relevant. The officers' reports are intended to bring together all relevant considerations, and further matters may arise at the committee meeting. It is therefore not possible to come to a firm decision in advance of the meeting. You may have a view as to how you will decide a particular matter ("**pre-disposition**") but you must keep an open mind at the meeting.

---

<sup>2</sup> Members should also have regard to the Council's more detailed guidance: ***Bias and Predetermination: A guidance note for members***



## **Where you have Fettered your Discretion**

- Don't speak and vote on the proposal at the meeting;
- Although you are not required to withdraw from the meeting, you may prefer to do so to avoid any complaint that your presence influenced the decision.

You can still exercise your separate rights as Local Member where you have fettered your discretion. If you do exercise that right:

- advise the Proper Officer or Chair that you wish to speak in this capacity before commencement of the item; and
- remove yourself from the room for the duration of that item.

## **County Council Proposals**

- **DO** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than just a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits). The best advice in these circumstances is not to take part in the decision or vote on the proposals.

## **Participation in the Discussions of Consultee Bodies**

Members may have a dual role as both members of organisations that are consulted on planning proposals and as members of the County Council's Planning & Regulation Committee. In those circumstances:-

**You may** take part in discussions of the consultee body on the proposal  
**IF** you make it clear to the consultee body that:

- your views are expressed on the limited information before you only, **AND**
- you must reserve judgement and the independence to make up your own mind on the proposal based on your overriding duty to the whole community and not just to the constituents of that body, **AND**
- you will not commit yourself as to how you or others may vote when the proposal comes before the Planning & Regulation Committee.

## **How to Deal with Lobbying**

**DO** remember that your overriding duty is to the whole community not just to the people in your Division. You need to make decisions impartially. Make sure that you do not favour, or appear to favour, any person, company, group or locality.

**DON'T** declare the way you intend to vote

**DON'T** express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority unless you make it very clear that you will only make up your mind at the meeting after hearing the officers' presentation and evidence and arguments on both sides.

**DO** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.

***Unless you have a Disclosable Pecuniary Interest, you may:***

- listen/receive viewpoints from residents or other interested parties;
- make comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-determining the issue and you make clear you are keeping an open mind;
- seek information through appropriate channels; or
- be a vehicle for the expression of opinion or speak at the meeting as a local member, provided that, if you are a member of the Committee, you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

## **Dealing with Particular Groups**

### ***Applicants/Developers***

**DO** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.

**DON'T** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (Councillors do not normally take part in officers' discussions with applicants before a decision is taken, unless there are clear guidelines published by the Council to protect and assist councillors and officers. Where you do become involved, you should be advised by the appropriate officers and the discussions should be recorded as a written file note.)

**DO** ensure that you report to the Planning Regulation Service Manager any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.

**DO** make it clear that you will **only** be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at Committee.

**DO** consider whether it would be prudent to make notes of what is said if no officer is present.

### ***Lobby Groups***

**DON'T** become a member of, lead or represent a lobby group seeking to promote or oppose planning proposals. If you do and you are a member of the Committee, you will have fettered your discretion.

### ***Political Groups***

**DON'T** decide how to vote at any sort of political group meeting, or press any other Member to do so, in advance of the meeting at which any planning decision is to be taken.

### ***Presentations***

**DON'T** attend presentations unless they have been organised by officers and an officer is present.

**DO** ask relevant questions for the purposes of clarifying your understanding of the proposals.

**DO** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Committee of the planning authority.

**DO** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

### ***Undue or Excessive Lobbying***

**DO** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Monitoring Officer will in turn advise the appropriate officers to follow the matter up.

## **Gifts and Hospitality**

**Be careful about accepting** gifts or hospitality wherever possible. If some hospitality is unavoidable, ensure that it is not excessive or inappropriate. Whilst not a disclosable pecuniary interest, a member, nevertheless, has the option of registering this so as to demonstrate openness and transparency to avoid any allegation of corruption or impropriety.

## **Dealings with Officers**

**DON'T** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views on the proposal, which may be incorporated into any committee report.)

**DO** recognise that officers are part of a management structure and only discuss a proposal, except in any formal meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.

**DO** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## **Site Visits**

**DO** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.

**DON'T** express opinions or views to anyone.

**DO** try to attend site visits organised by the Council where possible.

**DO** ask questions or seek clarification of matters that are relevant to the site inspection.

**DON'T** hear representations from the applicant or third parties.

**DON'T** visit a site on your own, even in response to an invitation, as this may give the impression of bias. Exceptionally, where there is no organised site visit, and with the prior approval of the Planning Regulation Service Manager, the local member or in appropriate circumstances other members, may ask for an individual site visit accompanied by an officer (there is nothing preventing you from viewing a particular site from the public highway).

## **Communication with the Public at Committee Meetings**

**DON’T** allow members of the public to otherwise communicate with you (orally or in writing) during the Committee’s proceedings, as this may give the appearance of bias.

## **Making Decisions**

**DO** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

**DO** come to your decision only after due consideration of all of the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request it. If necessary, defer or refuse.

**DON’T** vote or take part in the meeting’s discussion on a proposal unless you have been present to hear the entire debate, including the officers’ introduction to the matter.

**DO** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, your reasons are recorded and repeated in the report to the Committee.

**DO** have recorded the reasons for any Committee decision to defer a proposal.

## **Where the Officers’ Recommendation is not Accepted**

Decisions on planning matters (unless delegated to officers) are ultimately for members to make. But decisions, whoever makes them, must be made in accordance with the development plan unless material considerations indicate otherwise <sup>3</sup>.

If the officers’ recommendation is not to be followed, equally robust planning reasons for the decision must be given at the meeting and minuted. Those reasons must be capable of being defended at any subsequent appeal.

Officer reports will include a recommendation based on an assessment of the proposal against the development plan and material considerations, including those arising from the representations made by the applicant and consultees. The reasons for the recommendation will be set out in the report. If members take a different view at the meeting, they will need to provide equally argued planning reasons. If on reading the officer report, you form an initial impression that leads you to be pre-disposed to go against the recommendation, it may help to discuss tentative reasons with officers before the meeting.

---

<sup>3</sup> Section 38(6) Planning & Compulsory Purchase Act 2004

**DO** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the **planning reasons** leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## **Procedure if Officers' Advice is not to be Followed:**

**Proposer** to set out planning reasons for the proposal.

**Officers** to be given time to comment on those reasons and their ability to withstand challenge through the appeal procedures.

**Chair** may adjourn briefly for proposer and seconder to discuss and formulate reasons with officers, reconvening for a vote and for reasons to be fully recorded. If Chair concludes that there are opposing views amongst Committee members he may take a vote on the proposal without adjourning for discussion with officers. In such circumstances the planning reasons for the proposal should be set out in detail before the vote is taken.

## **Training**

**DON'T** participate in decision making at meetings dealing with planning matters if you have not attended any mandatory planning training prescribed by the Council.

**DO** try to attend any other specialised training sessions provided. These will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

## **Sanctions**

### **Sanctions (including offences)**

If you do not follow this code, you may put:

- The Council at risk of proceedings on legality or of maladministration;
- Yourself at risk of breaching the Members' Code of Conduct.

It is a criminal offence (without reasonable excuse), if you are aware that you have a disclosable pecuniary interest in a matter being considered at a meeting:

- Not to disclose that interest (unless it is already registered)
- To participate in any discussion or vote on that matter.

## **External Sanctions**

These include:

### ***Local Government Ombudsman***

The Ombudsman can investigate the process by which a planning decision has been taken (though not the decision itself). If injustice caused by maladministration is found, the report may name the Member involved and give particulars of the breach. The report may be made publicly available.

### ***Appeals to the Secretary of State***

If an appeal is lodged and the Council is found to have been unreasonable (for example by making a decision for inadequate planning reasons) the appellant’s costs may be awarded against the Council.

### ***Judicial Review***

If the Council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant’s costs would normally be awarded against the Council.

# Protocol on Member/Officer Relations

## 1. Introduction

This protocol seeks to strengthen good working relationships between Members and Officers, to clarify possible areas of doubt and to offer advice as to how any difficulties can be resolved speedily.

## 2. Underlying Principles

The following general principles apply to all relations involving Members and Officers:-

All relations shall be conducted:-

- with respect honesty and integrity;
- in a way which promotes objectivity, accountability and openness; and
- acknowledging the duty of confidentiality.

## 3. Roles and Responsibilities

### (a) Members

All members have important roles to play which will include representing the views of their constituents and promoting the welfare of the communities they represent and acting together as the full Council. The Council will appoint members to serve on the Cabinet, Scrutiny and Council Committees as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community.

### (b) Officers

- (i) Officers are employed by and serve the whole Council. They are responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all members in their several roles. All officers must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. They should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members. Where an officer feels that their political neutrality or integrity is being compromised in any way, they will notify their Director and where appropriate the Head of Paid Service.
- (ii) Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's officers. Some officers have specific statutory



responsibilities as statutory office holders as well, such as the Monitoring Officer and the Chief Finance Officer. Officers are responsible to the Council through their line manager and ultimately their Director and the Head of Paid Service.

#### **4. The Relationship Between the Cabinet and Officers**

The Head of Paid Service, Directors and other senior officers, will inevitably need to work closely with members of the Cabinet if there is to be effective executive decision-making. This relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole. The Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend decision-making meetings of the Cabinet as required.

#### **5. The Relationship Between the Scrutiny Committees and Officers**

- (a) It shall be the duty of all officers to provide the support necessary to enable a Scrutiny Committee to undertake policy development and review activities commissioned by the Cabinet.
- (b) Where a Scrutiny Committee commissions work, or wishes to review a decision to be made or which has been made by the Cabinet, then officer advice and support will be provided. In addition, the Council will make funding available to purchase internal or external support to assist it in undertaking its role. It shall be the duty of all officers to comply with requests for information and assistance.
- (c) A Scrutiny Committee may ask members of the Cabinet, Directors or their nominees to attend a meeting of that Committee in order that they can be questioned about their decisions and service delivery. The member or officer concerned will be given 10 working days notice of the meeting and informed about the issues to be raised and whether the Committee require any background information. Where, in exceptional circumstances the relevant person is unable to attend on the required date, an alternative date shall be arranged.
- (d) Where in (c) above officers are asked to attend meetings of Scrutiny Committees to answer questions, their evidence should as far as is possible be confined to questions of fact and explanation. Officers may also be asked to explain and justify decisions they have taken under delegated powers.
- (e) Where officers attend Scrutiny Committees in accordance with (c) above, any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- (f) Where a Scrutiny Committee conducts investigations and asks people to attend its meetings to give evidence, such meetings are to be conducted in accordance with the following principles:

- (i) That all members of the Committee are given the opportunity to ask questions, contribute and speak;
- (ii) That those assisting the Committee are treated with respect and courtesy;
- (iii) That the investigation is conducted fairly and efficiently.

## **6. Relationships Between Council Committees and Officers**

Committees of the Council shall seek advice from relevant officers before taking decisions and when considering any report or matter.

## **7. Respect and Courtesy**

- (a) For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and officers. This, too, plays an important part in the Council's reputation and how it is seen in public.
- (b) If an officer is in breach of this requirement then their Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken. If a member is in breach, then the Leader of their political group within the County Council will treat the matter as extremely serious and, if appropriate, the Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in this Constitution.

## **8. Undue Pressure**

- (a) A member should not apply undue pressure on an employee, either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) Similarly, an officer must neither seek to use undue influence on an individual member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees.

## **9. Familiarity**

Close personal familiarity between individual members and officers can damage the principle of mutual respect, cause embarrassment and lead to suspicions of favouritism. It could also lead to the passing of confidential information. It is not generally appropriate for officers and councillors to request or accept each other as 'Friends' on social media (although it is generally acceptable for them to 'follow' comments made by each other and to be members of social media 'groups' together).

## **10. Redress**

- (a) If a member considers that they have not been treated with proper respect or courtesy, they may raise it with the employee's line manager or Director if they fail to resolve it directly. If the issue is not resolved, a member may raise the issue with the Head of Paid Service.
- (b) If an officer feels the same way about a member, they should raise the matter with their line manager or Director. In such circumstances the Director will (if appropriate) approach either the individual member and/or Party Group Leader. The Director will inform the Head of Paid Service and the Monitoring Officer if the Party Group Leader becomes involved and will approach the Monitoring Officer if it seems that there has been a breach of the Members' Code of Conduct.

## **11. Political Activity**

- (a) Senior officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they do anything with the apparent intention of affecting public support for a political party.
- (b) Where attendance of officers is requested at meetings of political groups the following will apply:-
  - (i) Officers must not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Director and the Head of Paid Service. All requests for attendance of Directors or their appropriate representative at group meetings shall be submitted by the appropriate political group to the Head of Paid Service with a brief note of the items to be discussed.
  - (ii) Directors invited to attend group meetings may be accompanied by such other officers as they and the Head of Paid Service consider desirable. No officer shall be required to attend political group meetings.
  - (iii) Where officers attend political group meetings, members present should be particularly mindful of the political neutrality of officers.

- (iv) Proceedings at group meetings are confidential and officers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meeting of Political Groups shall not be deemed meetings for the purposes of this Constitution.

## **12. Press and Media**

Officers dealing with the press and media, and any press/media releases that are issued on behalf of the Council, should not seek to further the interests of a political group or a particular member other than as a representative of the Council.

## **13. Application of Protocol to Non-Councillors**

This Protocol shall apply as appropriate to non-councillors who are members of any Committee or Sub-Committee of the Council. They will also have the same rights to advice from officers on Council related matters as members have.

# Officers' Code of Conduct

## Accountability

1. The public is entitled to expect the highest standards of conduct from all Council officers. Your role is to serve the Council in delivering services to the local community, providing advice and implementing its policies. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.
2. You are accountable to, and owe a duty to, the Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law for the benefit of the community that you serve.

## Status of the Code

3. The Code sets out the minimum standards that apply. It may be supplemented and clarified by directorate guidance where necessary. The aim of the Code is to lay down guidelines for Oxfordshire County Council officers that will help maintain and improve standards and protect officers from misunderstanding or criticism. The rules often set a higher standard than might be set in the private sector. All up to date policies and protocols indicated in *italics* after each section, can be found on the Council's intranet.
4. Where the Council has a policy or protocol that provides more detail on specific issues, the name of the policy or protocol is in *italics* at the end of a section.

## Who the Code Covers

5. This code covers **all employees** (except school staff who are subject to their own professional code of conduct and their school's board of governors) under a contract of employment with Oxfordshire County Council, and includes permanent, temporary, part-time, casual and agency staff.

## Key Points

6. There are 3 key points to remember in all that you do. **Ensure your conduct:**
  - is never influenced by personal gain;
  - could not give anyone reason to question your motives;
  - is always in line with the Council's policies and procedures.

## The Council's Constitution

7. The Council has certain powers and duties that are set out in a formal document, the Constitution. The Council must act under the Constitution and the law; otherwise it will be acting *ultra vires*, that is, beyond the scope or in excess of its legal power or authority. While you may not use the Constitution in your day-to-day work it is a useful reference for all matters relating to the

composition of the Council, rules about members and committee meetings, financial and procurement procedures and other issues of relevance to officers.

### *The Constitution*

## **Values**

8. The Council is committed to living out its values. These are:

We do the best we can for residents:

This means we:

- work together in a supportive and honest way
- strive to find the best solutions
- are open to change and doing things differently

9. The Cabinet has also agreed that the promotion of equality and social inclusion is a corporate commitment standing alongside and integrating with our values. This is supported by the Council's Comprehensive Equality Policy.

## **Relations with Members of the Council, Public and Other Officers**

10. The Council frequently works in partnership with other organisations, both in the public and private sector. It is therefore vital that all officers conduct themselves in an exemplary manner in all aspects of their work, in particular:
- Mutual respect between officers and members is essential to good local government, and working relationships should always be kept on a professional basis;
  - You should avoid close personal familiarity with individual members as this could prove embarrassing to other officers and members;
  - You should deal with the public, members and other officers sympathetically, efficiently, with courtesy and respect and without bias.

Further guidance and information can be viewed in the Council's *Protocol on Member/Officer Relations* in the Council's Constitution.

## **Prevention of Fraud & Corruption**

11. Officers have an important role to play in relation to protection against fraud and corruption. You should report any concerns, associated with the Council's finances, resources and responsibilities, to your Line Manager or another senior officer.

12. Bribery is the act of offering money or other incentives to persuade somebody to do or not to do something, especially something dishonest or illegal. The Bribery Act makes it an offence for UK citizens and residents to pay or receive a bribe either directly or indirectly. This includes transactions that take place in the UK and abroad, and in both private and public organisations.
13. You must be aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the officer to demonstrate that any such rewards have not been corruptly obtained.
14. The Council's *Anti-Fraud and Corruption Strategy* and *Bribery Act Policy* offer further guidance.

### **Political Neutrality**

15. You serve the Council as a whole. It follows you must serve all members and not just those of any single political group, and must ensure that the individual rights of all members are respected. Some officers may also be required to advise political groups. You must do so in ways that do not compromise your political neutrality.
16. Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

#### **Specific posts:**

- Chief Executive;
- Statutory Chief Officers, (Director of Children's Services (DCEF), Director of Adult Social Care (DASC), Chief Fire Officer, Chief Finance Officer (CFO) and Monitoring Officer;
- Non-statutory chief officers reporting directly to the Chief Executive;
- Deputy chief officers (deputy directors)
- Officers exercising delegated powers (Constitution Part 7.1), through the Schemes of Delegation (Powers).

#### **Sensitive posts:**

A sensitive post is one which meets one or both of the following duties:

- Giving advice on a regular basis to:
  - The council itself, any committee or sub-committee of the council, any joint committee on which the council are represented; or
  - The cabinet, any committee of the cabinet; any member of the cabinet who is also a member of the council;
- Speaking on behalf of the council on a regular basis to journalists or broadcasters.

17. This restriction includes a prohibition on public acts in support of a political party such as canvassing and speaking or writing publicly in a personal capacity on subjects that are politically controversial, but other public protests can be made in the same way as other officers.
18. Whether or not your post is politically restricted, you must not allow your own personal or political opinions to interfere with your work.
19. The Council's *Protocol on Member/Officer Relations* in the Council's Constitution offers further guidance.

### **Conduct in Public and Written Protests in the Public Arena**

20. You should always act in ways that will not bring the Council into disrepute and not harm its reputation, for example not expressing publicly personal views which conflict with the policies of the Council or which damage the reputation of the Council. If you attend lobbies or rallies (including trade union meetings) you should not display abusive posters or other material. If you are unsure on this point you should seek guidance from your Line Manager, or trade union representative. You should not wear Council uniforms at public protests without the consent of your Line Manager.
21. If you publicly express views as a trade union officer these should be clearly acknowledged as the views of the union so that there can be no confusion with the views of the Council.
22. If you wish to protest against Council policy you must not use the Council's headed notepaper, work time or Council facilities to do so and if you write to newspapers or otherwise publicise your personal views you must be careful not to imply that you are speaking on behalf of the Council.

### **Equality and Human Rights**

23. There is a clear obligation on you to ensure that any action you take falls within the Equality and Human Rights framework, and is a proportionate response to the objectives you are seeking to achieve. The Equality Policy sets out how the Council and members of staff will approach their responsibilities for ensuring that all residents in Oxfordshire have a fair access to services and equal life changes. The Council also recognises that all individuals have fundamental human rights and therefore adopts a right based approach to equality. Under the Human Rights Act 1998 you have an obligation to ensure that service decisions taken are made with reference to a person's basic human rights such as the right to privacy and family life, the right to a fair hearing and the right not a suffer degrading treatment.



## Proper Use of Council Resources

24. The Council is responsible for the efficient use of the public resources it controls including financial resources, equipment and its staff. You must not use Council premises, property, vehicles or other Council facilities unless authorised to do so. You must not do work that is not Council work of any sort in Council premises or by using Council equipment or materials, or during the Council's time. Some facilities, such as reprography (photocopying), may be made available to officers for private use on agreed terms and with prior approval.
25. All officers have a duty to abide by the highest standards of probity in dealing with financial issues. You should assist the Council in discharging its obligations to follow proper accounting practices and to secure best value. You must operate within the required accounting standards and timetables to ensure that all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
26. You are required to ensure that the Council Internal Audit Services and the Council's external auditor are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work. You are obliged to provide the auditors with any information and explanations that they seek in the course of their work.

## Use of Technology, Telephones, Internet and Email

27. Use of computers may be an important part of your duties. You should be familiar with the rules relating to personal use of equipment, the prohibitions on accessing or downloading racist, sexist, pornographic or violent websites or material, virus protection and the use of unapproved software.
28. Officers may make personal telephone calls whilst at work but such calls should be limited as much as possible and payments made for use.
29. The Council does allow for limited personal use of e-mail and the internet (if you have reasons to be connected for work purposes), providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the Council. The Council's *Acceptable Use of ICT Policy* provides further guidance and requirements on the proper use of the Council's ICT resources.

## Intellectual Property

All creative designs, writings, drawings and inventions you produce which are directly related to your employment remain the property of the Council. Specific requirements may be set out in an officer's terms of employment, job description and those arising from an instruction from a manager or other authorised representative of the Council.

## Copyright

30. It is your responsibility to ensure that copyright is not breached when making copies from newspapers and other materials:
- Copies of newspaper materials may only be made by council employees within the conditions of the Newspaper Licensing Agency;
  - Copies of other materials may not be made unless you have permission from the holder of the copyright, and you can only photocopy copyright items if they are single copies for private study or research for non-commercial use.

## Environmental Considerations

31. You must be aware of the Council's objective to protect the environment and you are required to consider sustainability issues when undertaking your duties, including the procurement of goods and services. In particular you should seek opportunities to improve and promote energy conservation, advocate recycling and waste minimisation, reduce pollution and support positive Council initiatives to improve the environment. You should limit travel on Council business to that which is unavoidable and walk, cycle or use public transport if possible.

## Raising Concerns at Work - Grievances and Whistleblowing

32. The Council is committed to the highest standards of openness, probity and accountability.
33. If you have any concerns arising from:
- (a) your employment contract or employment in general there is a grievance procedure to be followed. You should raise any such issues with your Line Manager in the first instance or another senior officer;
  - (b) any other aspect of the Council's operations, such as if you become aware of any activities that you believe are illegal, improper, unethical or in some other way inconsistent with this Code, or the Council's Constitution, policies and procedures, there is a procedure for these concerns which follows the requirements of the Public Interest Disclosure Act 1998.
34. The Council has *Whistleblowing Policies* for the public and for staff.

## Confidentiality

35. Openness in the dissemination of information and decision-making should be the norm in the Council. However, you must respect the confidentiality of the information to which you have access at work and you must not use it for personal gain or pass it on to others who might use it in this way.

36. You must not tell anyone inside or outside the Council who is not entitled to know for the purposes of their job, what goes on at Council meetings held in private or exempt sessions, nor about the contents of Council documents which are confidential or exempt (unless requested under the Freedom of Information Act and an exemption applies).
37. Officers must be aware of the Council's requirements with regard to Freedom of Information and Environmental Information Regulation requests and comply with them so that requests are completed appropriately within the statutory timeframes.

### **Data Protection**

38. The Data Protection Acts give people certain rights and give the Council (and you as a Council officer) responsibilities for personal information. These responsibilities relate to:
  - Getting information fairly
  - Registering new uses of the information
  - Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
  - Allowing people (whose details the Council holds) access to their files and the right to correct or delete incorrect information; and
  - Ensuring personal and confidential information is kept safe.
39. The legislation not only provides for data held on computer systems, but also that held on 'relevant filing systems' such as manual filing systems.
40. Both you and the Council may be prosecuted if there is a breach of this law. If you suspect there is a problem or you need advice please consult your Line Manager or your data protection representative.
41. You must not give confidential information about the Council's clients to anyone unless they need it to help the client or prevent serious harm to the client or others. If possible you should get the client's permission before giving information about them to others.

### **Private Interests**

Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty by misusing your official position to benefit yourself or others. In order to demonstrate openness and transparency in local government and to protect yourself and the Council from accusations of bias, you must declare and register certain interests if an actual or potential conflict arises with regards to a Council decision or policy. You will also need to make a further declaration if a declaration you made previously has materially changed.

42. Some interests must always be declared such as membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

*Policy on Declaring and Registering Interests*

## **Gifts and Hospitality**

With regards to gifts and hospitality, for you as a Council employee, the rules are quite different to those of employees in private industry. The rule is that all gifts and hospitality should be tactfully refused. In some situations, occasional small gifts or hospitality under £50 in value may be permitted unless this gives the impression of influence or reward. Frequent receipt (i.e. more than two in any three month period) of gifts or hospitality of less than £50, must be reported to your Line Manager. You cannot accept any gift or hospitality over £50 in value without first obtaining the consent of your Line Manager and registering it. In any event, you should never invite or encourage a gift or hospitality and, if you are in any doubt, seek the advice of your Line Manager. Further guidance is contained in the Council's *Gifts and Hospitality Policy*.

## **Secondary Employment**

43. You should not take on:
- other work without consulting with your Line Manager;
  - outside employment which conflicts with the Council's interests or may bring the Council into disrepute;
  - other work which may cause you to exceed the 'Working Time Directive' or which may put your health at risk.

*Constitution – Protocol for Employees working part-time and/or temporarily for or providing consultancy to, other bodies or councils  
(NB: includes secondary employment).*

## **Involvement in Other Organisations**

44. Many of the Council's objectives are delivered by developing partnership arrangements with other public and private sector organisations or community groups. You may also be asked to take part in voluntary activity or offered a role in a voluntary organisation. In these situations the following applies:
- (a) It is important that you clarify the role expected of you and whether you are acting in your own right or as the voice of the Council;
  - (b) If acting for the Council, you should clarify what authority is vested in you by the Council and other partner organisations by checking with your Line Manager as to the extent of your participation or authorisation. Liability can arise from formal membership of external organisations, and

you should seek further advice from your Line Manager if you have reason to believe that any liability may arise;

- (c) If you are acting on behalf of the Council, then you are subject to this Code.
45. In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your Line Manager.

*Constitution – Protocol for Employees working part-time and/or temporarily for or providing consultancy to, other bodies or councils*

## **Relations with Contractors or Suppliers**

46. It is the responsibility of all officers to ensure that, when administering Council contracts, every contract made by or on behalf of the Council complies with all relevant European Union and United Kingdom Legislation and as provided for in the Council's Contract Procedure Rules or other applicable procedures. Any officer who is authorised to carry out any of the Council's contract functions must undertake all necessary training effectively to discharge this responsibility. Officers shall not commit the Council to incur expenditure for the supply of goods, services, works or capital projects unless they are authorised under the Directorates' Scheme of Delegation and financial provision has been authorised.
47. You must award contracts or orders on merit, dealing fairly with all customers, suppliers and contractors, to achieve best value for the Council including the following considerations:
- You must tell your Line Manager and register in the Register of Interests any relationship you have with a contractor or supplier with whom you are also involved at work.
  - If friends or family are involved as potential suppliers, you should not be involved in the selection process at all and you must not favour current or past officers or their partners, close relatives or associates when awarding contracts or orders to businesses for which they work.
  - If the Council decides to outsource the supply of any goods or services and you or you and your colleagues are considering a management buy-out you should discuss this with your Line Manager immediately and register it in accordance with the Declaration of Interests policy. You must not then take part in any relevant contract awarding process.
48. It's your responsibility to follow the Council's *Policy on Declaring and Registering Interests*.

## **Appointment of Staff**

49. If you are involved in the recruitment and appointment of staff you must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other officer, or prospective officer, to whom you are related, or with whom you have a close personal relationship outside work. Before you begin to be involved in recruitment for the Council you must attend in-house Council training on relevant recruitment practice.

### *Comprehensive Equality Policy and Recruitment Charter*

## **Investigations by the Council's Monitoring Officer**

50. You must assist and co-operate fully with the Council's Monitoring Officer where the Monitoring Officer is either carrying out an:
- enquiry or investigation about the lawfulness of the Council's actions under Section 5 of the Local Government and Housing Act 1989; or
  - investigation into a complaint against a member that has been referred to the Monitoring Officer under Section 28 of the Localism Act 2011.

## **Trade Unions**

51. Trade unions are separate organisations from the Council with their own views and priorities. They play an important role in voicing the views of union members both internally within the organisation through the consultation machinery and publicly.
52. Elected trade union representatives have specific protection under employment legislation in recognition of the special role they undertake. The Council also has facilities agreements with the major recognised trade unions that regulate time off and other facilities for elected representatives.

## **Leaving the Council**

53. After you leave the Council, you still have a duty not to disclose personal data relating to others or exempt/confidential information that you have acquired in the course of your work at the Council.

## **Employee Indemnity**

54. The Council will, (subject to the exceptions set out in the Statement of Employee Indemnity) indemnify you in respect of any liability and claims made against you and will not itself make claims against you for any loss or damage occasioned by neglect, act, error or omission committed by you in or about the pursuit of your duties on behalf of the Council while acting within the scope of your authority.

55. The indemnity will not apply if you, without written consent of the Council, admit liability or negotiate a settlement of any claim falling within the scope of this resolution. The indemnity will not protect you from disciplinary action, if appropriate.

*Statement of Employee Indemnity*

**Use of Social Media Sites**

56. Social media sites provide communication opportunities of reaching out to the council's stakeholders and others worldwide; as an officer of the council you are bound by the values of – integrity, honesty, objectivity and impartiality.
57. You must not allow your professional and personal use of social media sites to become blurred; you need to be mindful of your duties not to:
- Disclose council information without authority;
  - Take part in any political or public activity, which compromises or might be seen to compromise your impartial service to the council and its stakeholders;
  - Make derogatory comments about the council, its policies or procedures;
  - Make derogatory comments about other council employees, councillors or stakeholders;
  - Continue to engage with others who become abusive or aggressive.
58. Once you have posted items to the Internet, it is very difficult to remove them, great care must be taken before you press the submit button.
59. If you have any concerns consult your Line Manager for advice or authorisation.
60. It is important that you are aware that submitting any content to social media sites, whether in a personal or professional capacity, that is considered to be derogatory or inappropriate may result in disciplinary action taken against you.

*Social Media Policy and Guidance*

**Review of this Code**

61. The Monitoring Officer will regularly review this Code to ensure that it continues to be effective and up to date.

## Frequently Asked Questions

### **What would constitute an act of bribery?**

An offence would be committed if for example:

- An officer requesting, agreeing to receive or accepting an advantage in return for services;
- An advantage being secured with the “consent or connivance” of the manager;
- Officers agreeing to “fix” a procurement process or evaluation in the briber’s favour.
- NB A “financial” or “other advantage” may include money, assets, gifts, hospitality or services.

### **How do you define ‘confidential information’?**

Confidential information is defined as information unavailable to the public that you know as a result of your job as a Council officer. For example, as a result of your work with the Council you learn that a certain residential development is planned and that the plan has not been made public. It would be improper for you to give this information to a friend or relative in the construction industry since the information is confidential, you learned it as a result of your job with the Council and it is not available to the public.

### **Doesn't the Human Rights Convention give me complete privacy at work?**

It is correct to state that there is a right to a respect for home and family life and correspondence but this is not an absolute right. Lawful interference is allowed if it is necessary to do so for the prevention or detection of crime, harm to others or the protection of the rights of others. Also in general terms, emails that are clearly private, confidential and personal should not be viewed by an employer.

### **What is meant by using Council resources for your own purposes?**

Examples are that you should not use Council letter head or postage for personal letters, use a Council vehicle for personal trips, ring your mother in Australia from work without permission, operate a business in Council time, or promote products or facilities in order to gain a personal advantage.

### **A company doing business with the Council has offered me and my husband free tickets to the opera, can I accept?**

This hospitality would be over £50 in value and would need the consent of your Line Manager and to be registered in the gifts and hospitality register whether it were to be accepted or refused. If there was any suggestion of influence or reward it should not be accepted under any circumstances and irrespective of the value. Every time a Council officer accepts a gift or hospitality from someone who does business with the Council an ethical problem and even possibly a criminal offence may occur. It does not matter whether the gift is in the form of money, a CD player, a discount not offered to all other officers, dinner at a local restaurant or a trip, or anything else.



**I have received a request from a member of the public for personal information to be released. What's my first step?**

You should talk to the Data Protection Act Representative for your Directorate. Their names are set out in the Corporate Data Protection Manual.

**My wife has a cleaning company and there is a Council facilities maintenance contract being tendered in which she wants to bid. How does that affect my employment with the Council?**

You should immediately notify your Line Manager as you may have a conflict of interest. If you were employed in procuring those services, then you cannot be involved in the contracting process in respect of that contract. The Council must act and be seen to act without bias. In certain cases depending on your job with the Council and the circumstances, the Council would need to review whether you could continue to be employed with the Council.

**Can I go on a protest march against government foreign policy?**

The Council supports all citizens' rights to free speech at all times but you must not behave in a way that could bring the Council into disrepute or harm its reputation. For example you should not carry an abusive placard or give an inflammatory speech expressing views that conflict with or damage the Council's reputation.

**I want to join the Ramblers' Society, why is that relevant to my job with the Council?**

It may be of no relevance, but it would need to be declared in the register of officers' interests if it was a private interest that a decision of the Council might affect. For example, if the Society was concerned with a particular conservation issue and you were working in the Environment and Economy Directorate in a decision-making role concerning conservation issues. On your appointment, or if a new policy or decision by the Council changes the position or your job changes, then you may need to make a declaration or a further declaration.

**I am suspicious that one of the clients where I work is being abused, what should I do?**

The Raising Grievances and/or the Whistleblowing Procedure sets out the procedure that should be followed. You may wish to raise the issue with your Line Manager in the first instance.

**What happens if I don't act within the Code?**

You can be subject to disciplinary proceedings.

**I have interests in a number of local companies, what is the position with these?**

You would have to declare and register in the register of officers' interests, shareholdings of over £25,000 (nominal or face value of shares) in each company. If you were employed doing work for any company as a second job, then you would need to consult with your Line Manager.

# Protocol on Consultations with Employees

## 1. Introduction

The Council is committed to regular and full communication with recognised trades unions as an important means of developing and maintaining high quality services for the people of Oxfordshire.

## 2. Channels of Communication

This communication mostly takes place between managers and employee representatives through informal and ad hoc means. However, the Council also has the formal channels set out below:

- (i) Three Joint Employee Committees covering Teachers, Fire Service and all other employees of the Council. These Joint Committees will normally meet quarterly and will comprise nominated elected members of the Council and relevant recognised trades unions. Their function is:
  - consultation and negotiation;
  - resolution of collective disputes;
  - to make recommendations as appropriate to the Cabinet and Council Committees;
  - to consider matters which have failed to be agreed at local level or which have general application;
  - other relevant matters by mutual agreement.

Each Joint Committee will define the detail of its own procedural and operating rules including arrangements for emergency meetings. For the avoidance of doubt, none of the Council, Cabinet, or Access to Information Procedure Rules set out in this Constitution apply to meetings of the Employee Consultative Committees.

- (ii) Representatives of recognised trades unions may ask to meet with the Cabinet member responsible for Personnel matters. They may also address the Cabinet, any committee of the Cabinet, the Council or any committee of the Council, or a scrutiny committee, in accordance with the requirements set out in the Council Procedure Rules in this Constitution.
- (iii) Nominated representatives of recognised trades unions will be sent by the Proper Officer each month a copy of the Cabinet's four month forward plan of key decisions as set out in the Access to Information Procedure Rules at the same time as it is issued to members of the Council. The Proper Officer will also automatically send to the nominated representatives a copy of the agenda, reports and minutes of meetings of the Cabinet, any committee of the Cabinet and the

Remuneration Committee. The nominated trades union representatives may request copies of specific Scrutiny Committee agenda, reports or minutes. All such papers will be supplied free of charge.

- (iv) Nominated trades union representatives may also request a copy of any background paper listed on a published report for any meeting of the Cabinet, committee of the Cabinet, scrutiny committee or committee of the Council. These will be provided free of charge by the Proper Officer.

In the case of both (iii) and (iv) above, confidential or exempt information will not be sent to trades union representatives unless there are special circumstances which would warrant this. Any matters concerning access to information are to be resolved by the Monitoring Officer.

## **Members' Allowances**

All councillors are legally entitled to a "basic allowance" in respect of their duties as a member of the Council. They may also receive certain other allowances if the authority so decides. The County Council, in the light of a report and recommendations of an independent Remuneration Panel set up for the purpose, has agreed allowances in respect of:

- special responsibilities borne by some members;
- travelling and subsistence expenses necessarily incurred to enable them to perform certain duties as a councillor;
- costs incurred by councillors in arranging for childcare and the care of other dependent relatives where necessitated by their duties as a councillor.

The allowances and pension entitlements - including the amounts of the allowances agreed by the Council, conditions for payment and the categories of duty eligible for travelling, subsistence and carers' allowances - are set out in a formal "Allowances Scheme" under section 18 of the Local Government and Housing Act 1989 (as amended) and the Local Authorities (Members' Allowances) (England) Regulations 2003. The provisions of the current Scheme are set out on the following pages.

## Members' Allowances Scheme

*Set out below are the provisions of the County Council's current **Members' Allowances Scheme** that applied from 1 April 2022, as amended by the decisions of Council on 8<sup>th</sup> December 2020 and 2<sup>nd</sup> November 2021. The appended Schedule 1 reflects the annual up-lift for Members Allowances at the agreed rates in line with staff pay awards.*

### Basic Allowance

1. Subject to the provisions of this Scheme, a basic allowance of £12,000.00 shall be paid to each councillor for each year.

### Special Responsibility Allowances

2. Subject to the provisions of this Scheme, a special responsibility allowance shall be paid for each year to those councillors who have the special responsibilities in relation to the authority that are specified in Schedule 1.
3. Subject to the provisions of this Scheme, the amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.
4. Any special responsibility allowance payable under paragraphs 2 and 3 shall be in addition to the basic allowance payable under paragraph 1.
5. The payment of special responsibility allowances payable under paragraphs 2 and 3 shall be capped so that a councillor may hold no more than two SRA's at any one time.

### Part-Year Entitlements

6. The provisions of the following paragraphs shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year:
  - (a) this Scheme is amended, or
  - (b) a person becomes, or ceases to be, a councillor, or
  - (c) a councillor accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
7. Where as a result of such an event an entitlement to an allowance commences or terminates, the amount payable shall be assessed on the basis of the number of days in the year on which the entitlement applies, as a proportion of the number of days in that year.
8. Where the effect of such an event is to amend an entitlement in respect of the amount of the allowance, the amended amount shall be payable from the

beginning of the day on which the amendment comes into effect, and subject thereto the amounts payable shall be assessed on the basis of the number of days in the year on which the respective entitlements apply, as a proportion of the number of days in that year.

## **Indexation**

9. The basic and special responsibility allowances and the co-optee's allowance to the Chair of the Audit Working Group (sections 15 and 16), shall be amended annually by reference to the annual pay settlement for local government staff. The amendment shall take effect on the date on which the settlement for staff takes effect.

## **Travelling and Subsistence Allowances**

10. Subject to paragraph 13, an allowance shall be paid to:
- (a) any councillor; and
  - (b) any co-opted member;
- in respect of travelling and subsistence undertaken in respect of any duty specified in Schedule 2.
11. Subject to paragraph 13 below the amounts payable shall be the amounts which are for the time being payable to officers of the Council in respect of travelling and subsistence undertaken in the course of their duties.
12. The payment of travelling and subsistence allowances is subject to the following conditions and limitations:
- (a) Travelling allowance by rail is the standard class fare.
  - (b) Expenses are not payable to the extent that they are claimable from any other body.
  - (c) In calculating the length of time to be taken into account for the purposes of subsistence allowance, the time reasonably spent by the councillor in travelling to and from the place at which the relevant duty is performed shall be included.
  - (d) No allowances are payable in respect of attendance at meetings of governing or managing bodies of schools.
  - (e) When meals are provided by the County Council, subsistence allowance is not payable.

## **Dependants' Carers' Allowances**

13. An allowance shall be paid to any councillor in respect of such expenses of arranging for the care of his/her child(ren) or dependant(s) as are necessarily incurred in carrying out any duty specified in Schedule 2.
14. The amount payable shall be the actual cost incurred in providing such care up to the following maximum hourly rates:
  - (a) Child care - £10.21 per hour, to a maximum level of £1,200 per annum
  - (b) Care for an adult dependent relative - £20.42 per hour, to a maximum level of £2,400 per annum.
15. In calculating the length of time to be taken into account for the purposes of the preceding paragraph, the time reasonably spent by the councillor in travelling to and from the place at which the relevant duty is performed shall be included.

## **Co-optees' Allowances**

16. A co-optees' allowance shall be payable to an independent co-opted member of the Audit & Governance Committee when the co-opted member serves as chair of the body known as the Audit Working Group which exists to advise that Committee.
17. The allowance payable under the preceding paragraph shall be £7,200.00 per annum.

## **Claims and Payments**

18. Subject to the following paragraph, payments shall be made in respect of basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.
19. Where a payment of one-twelfth of the amount specified in this Scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraphs 5-7, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
20. Where a councillor is also a member of another authority that councillor may not receive allowances from more than one authority in respect of the same duties.
21. A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:

- (a) shall be made in writing within two months from the date of performance of the duty in respect of which the claim is made;
  - (b) shall be accompanied by:
    - (i) receipts and/or any other relevant evidence of the costs incurred;
    - (ii) statement by the councillor who is claiming the allowance that he/she is not receiving remuneration in respect of the matter to which the claim relates otherwise than under this Scheme; and
22. shall be subject to such validation and accounting procedures as the Council's Chief Finance Officer may from time to time prescribe.
23. Payments shall be made in respect of such claims on the last working day of each month in respect of any claim received by the monthly deadline.

## **Renunciation and Suspension**

24. A councillor may at any time and for any period, by notice in writing given to the Chief Executive Officer, elect to forego any part of his/her entitlement to an allowance under this Scheme.
25. In the event that a councillor or co-opted member is suspended from office all allowances that would otherwise have been payable to him/her under this Scheme in respect of the period for which the suspension is effective shall be withheld.

## **Interpretation and General**

26. In this Scheme:
- (a) any reference to a paragraph or Schedule means a paragraph of or Schedule to this Scheme;
  - (b) "councillor" means a member of the Oxfordshire County Council who is a councillor;
  - (c) "co-opted member" means any co-opted member of a committee or sub-committee of the Council who is not a councillor;
  - (d) "year" means the 12 months ending on 31 March in any year.



## SCHEDULE 1

### Special Responsibility Allowances (per annum)

#### The Cabinet

Leader of the Council	£36,000.00
Deputy Leader of the Council	£24,000.00
Other Members of the Cabinet	£19,200.00

#### Committees

##### *Chair*

Each Scrutiny Committee	£ 7,200.00
Horton HOSC#	£ 5,400.00
Audit & Governance Committee	£ 7,200.00
Planning & Regulation Committee	£ 7,200.00
Pension Fund Committee	£ 7,200.00

#### Other Office Holders

Chair of the Council	£ 10,200.00
Vice-Chair of the Council	£ 2,550.00
Leader of the Opposition	£ 12,000.00
Shadow Cabinet Members	£ 3,000.00
Locality Meeting Chair	£ 1,200.00

Police and Crime Panel chair*#	£ 7,200.00
--------------------------------	------------

Adoption and Fostering Panel Members	£100.00 per Panel hearing**
--------------------------------------	-----------------------------

\* Allowance only payable if the postholder is not a Cabinet Member

# Agreed by Council 2 April 2019

\*\* to be capped at £1,200.00 per year

## **SCHEDULE 2**

### **Travelling and Subsistence Allowance Dependants' Carers' Allowance Approved Duties**

#### **Duties specified by Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003**

- (a) Attendance at a meeting of the Council or of any committee or sub-committee of the authority (i.e. where attending as a member of that committee or sub-committee).
- (b) Attendance at a meeting of any other body to which the Council make appointments or nominations, or of any committee or sub-committee of such a body.
- (c) Attendance at any other meeting the holding of which is authorised by the Council or a committee or sub-committee of the Council, or by a joint committee of the Council and one or more other authorities or a sub-committee of such a joint committee, provided that:
  - (i) so long as the Council is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
  - (ii) if the Council is not so divided, it is a meeting to which at least two members of the authority have been invited.
- (d) Attendance at a meeting of any association of authorities of which the Council is a member;
- (e) Attendance at a meeting of the Cabinet or any of its committees (i.e. when attending as a member of Cabinet or the committee).
- (f) The performance of any duty in pursuance of any standing order requiring a member or members to be present while tender documents are opened.
- (g) The performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises.
- (h) The performance of any duty in connection with arrangements made by the Council for the attendance of pupils at school approved for the purposes of section 342 (special schools) of the Education Act 1996.
- (i) The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council, or of any of its committees or sub-committees.

**Meetings authorised generally as provided by (c) above**

- (j) One pre-meeting with officers if such is held in relation to a meeting of a committee, sub-committee or working party by the Chair, the Deputy Chair and Opposition Group Spokesperson for the committee, sub-committee or working party (or their nominated substitutes).
- (k) One pre-meeting with officers if such is held in relation to a meeting of the Council by the Chair and Vice-Chair of the Council, each Group Leader (or his/her nominated substitute) and (in the case of the three largest political groups) his/her nominated Deputy.

**Duties approved generally as provided by (i) above**

- (l) The performance of any duty for the purpose of, or in connection with, the discharge of the functions of the Cabinet.
- (m) Attendance at any meeting of the Cabinet by a member who is not a member of the Cabinet.
- (n) The performance of any duty reasonably required in the capacity of a member of the Shadow Cabinet, including attendance at briefings with officers when acting in that capacity;
- (o) The attendance by leaders of a political group of the Council at formal meetings of the Council, Cabinet and any Committees for the purpose of keeping themselves informed of business;
- (p) The performance of duties such as interviewing candidates for appointment.
- (q) Attendance at public meetings.
- (r) The performance of duties (including visits) in connection with the work of a committee, sub-committee or working party by its Chair, Deputy Chair and other Opposition Group Spokesperson (or their nominated substitutes), or any two of them, with an appropriate officer.
- (s) Visits by individual councillors to County Council establishments where such visits are undertaken as part of an organised system of such visits on the instructions rather than merely by the invitation of the Council, a committee or sub-committee or the Cabinet.
- (t) The performance by the Chair and/or the Vice-Chair of the Council of such duties in relation to the Council as would entitle the Chair and Deputy Chair of a Council committee or sub-committee to travelling and subsistence allowances if performed in relation to the work of that committee or sub-committee.
- (u) Attendance by a member in the capacity of county councillor at parish and town council meetings within the relevant member's division.

- (v) Activities undertaken by the Member Champions in accordance with the duties described in the role profiles.
- (w) Meetings with officers undertaken by members in pursuance of bona fide constituency business where it is directly related to the discharge of Council functions and cannot expediently be dealt with by other means.
- (x) Attendance at duly authorised conferences, seminars and training events.
- (y) Attendance at other meetings/interviews which members are specifically invited or requested to attend by officers in connection with Council business.