

# Summary and Explanation

## The Council's Constitution

Oxfordshire County Council's Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed rules, protocols and codes of practice are provided in Parts 8 and 9 of the Constitution.

One reason for bringing all these things together in one Constitution is to provide a handbook for the councillors and others who are directly involved in the business of the Council. It also has the important purpose of providing a guide for local people, businesses and other organisations to understand how the Council's system works. The Constitution has been formally approved by the Council but is kept under review and updated from time to time by the Council or the Monitoring Officer.<sup>1</sup>

Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2-15 explain how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law<sup>2</sup>, while others are a matter for the Council to choose. The Articles are:

- The Constitution (Article 1)
- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairman of the Council (Article 5)
- The Cabinet (Article 6)
- Overview and Scrutiny Committees (Article 7)
- The Oxfordshire Joint Health Overview & Scrutiny Committee (Article 8)
- Regulatory and other Committees (Article 9)
- Health & Wellbeing Board (Article 10)
- The Remuneration Committee (Article 11)
- Agency and Joint Arrangements (Article 12)
- Officers (Article 13)
- Decision Making (Article 14)
- Finance, Contracts and Legal Matters (Article 15)

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<sup>1</sup> See Article 1(5) – the Monitoring Officer has delegated authority to approve some changes.

<sup>2</sup> especially the Local Government Acts 1972 and 2000 and the Local Government and Housing Act 1989 and various regulations made under those Acts

## **How the Council Operates**

Oxfordshire County Council comprises 63 county councillors elected every four years. 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.

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 Members' Code of Conduct and advising councillors and co-opted members on matters relating to the Members' Code of Conduct.

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' (see Article 4).

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 Cabinet and the committees are described in more detail below.

## **How Cabinet Decisions are Made**

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': these are set out in detail at Article 6.

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.

## Key Decisions

Certain types of decision are classified as 'key' decisions. A 'key' decision is defined in law<sup>3</sup> as a "decision in relation to any executive function which is likely to be 'significant'<sup>4</sup> either in terms of the level of expenditure involved or the effects on the communities in two or more county councillors' electoral divisions". In general, a key decision may not be taken unless notice of it has been included in the Cabinet's 4-month 'Forward Plan', published each month, which gives information about the forthcoming decisions, when they will be taken and by whom, and how to make any representations about them.

However, the Council has decided that Oxfordshire's Forward Plan should include all those matters which are expected to come before the Cabinet in the period of the Plan, whether or not they are likely to be classed as 'significant'.

## 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 are:

- 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 Members' 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,

There is more about each of these committees in Articles 9 and 11.

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.

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<sup>3</sup> *The Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012*

<sup>4</sup> *Significant in this context has the meaning set out in Article 14 (Decision Making), paragraph 3(b)*

## **Overview and Scrutiny**

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 Performance Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.

## **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.

## **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. Details are in Article 13; there is also a protocol on the relationship between officers and councillors at Part 9.4 of this Constitution.

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.

## **Citizens' Rights**

Members of the public have a number of rights in their dealings with the County Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the County Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific County Council services, for example as a parent of a school pupil, they may have additional rights. These are not covered in this Constitution.