

County Council

1 April 2025

Agenda

To: **Members of the County COUNCIL**

Notice of a Meeting of the County Council

Tuesday, 1 April 2025 at 10.30 am

Council Chamber - County Hall, New Road, Oxford OX1 1ND

If you wish to view proceedings, please click on this [Live Stream Link](#). Please note, that will not allow you to participate in the meeting.



Martin Reeves
Chief Executive

March 2025

Committee Officer:

Colm Ó Caomhánaigh

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AGENDA

1. Minutes (Pages 1 - 8)

To approve the minutes of the meeting held on 11 February 2025 (**CC1**) and to receive information arising from them.

2. Apologies for Absence

3. Declarations of Interest - see guidance note

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

4. Official Communications

5. Appointments

To make any changes to the membership of scrutiny and other committees on the nomination of political groups and to note any changes to the Cabinet made by the Leader of the Council.

See item 12 Committees and Review of Political Balance.

6. Petitions and Public Address

Members of the public who wish to speak on an item on the agenda at this meeting, or present a petition, can attend the meeting in person or 'virtually' through an online connection. Requests must be submitted no later than 9am one working day before the meeting i.e., 9am on Monday 31 March 2025. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am on the day of the meeting. Written submissions should be no longer than 1 A4 sheet.

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Annual Report of the Director of Public Health (Pages 9 - 42)

Report by Director of Public Health and Communities

The Council is to be informed on the structure and overview of content, including key messages, of the upcoming Oxfordshire County Council Director of Public Health Annual Report (2024/2025) focussed on children and young people's mental health and economic activity.

The Council is RECOMMENDED to note the Director of Public Health's Annual Report in Annex 1 and to take every opportunity to support actions and initiatives that will progress related work.

10. Report of the Cabinet (Pages 43 - 54)

Report from Leader of the Council.

The report summarises the decisions from the Cabinet meetings on 17 December 2024, 21 and 28 January 2025 and 25 February 2025.

11. Constitutional Amendments (Pages 55 - 292)

Report by Director of Law and Governance and Monitoring Officer

The Constitution Working Group met between November 2024 and February 2025 and has proposed amendments to the Constitution as outlined in this report. A small number of additional changes agreed by the Audit & Governance Committee and by the Oxfordshire Health & Wellbeing Board are also included in the report.

Council is RECOMMENDED to

(a) to approve amendments listed and tracked in Annex 1 (including Appendices 1 to 21) to the following Parts of the Council's Constitution, as proposed by the Constitution Working Group and, in the cases of (iii), (xii), (xiv) and (xvii), as amended by the Audit & Governance Committee:

- (i) Part 1.2 How Oxfordshire County Council Operates;
- (ii) Part 1.3 Decision Making;
- (iii) Part 3.1 Council Procedure Rules;
- (iv) Part 3.1A Virtual Meeting Procedure Rules (delete);
- (v) Part 3.3 Virement Rules;
- (vi) Part 4.2 Cabinet Procedure Rules;
- (vii) Part 4.4 Delegated Decisions by Individual Cabinet Members;
- (viii) Part 4.6 Transport Advisory Panel (delete);
- (ix) Part 5.1A Regulatory and Other Committees;
- (x) Part 5.1B Health and Wellbeing Board;
- (xi) Part 6.1A Overview and Scrutiny Committees;
- (xii) Part 6.1B Oxfordshire Joint Health Overview and Scrutiny Committee;
- (xiii) Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference (new Part);

- (xiv) Part 6.2 Overview and Scrutiny Committee Procedure Rules;
 - (xv) Part 6.3 Protocol on Scrutiny Participation (delete);
 - (xvi) Part 7.2 Scheme of Delegation to Officers;
 - (xvii) Part 8.3 Contract Procedure Rules;
 - (xviii) Part 9.2 Protocol on Councillors' Rights and Responsibilities;
 - (xix) Part 9.4 Policy on IT Use by Members of the County Council (delete);
 - (xx) Part 9.6 Protocol on Member-Officer Relations;
 - (xxi) Part 10.1 Members' Allowances;
 - (xxii) correct erroneous references and update titles where they have changed;
- (b) to approve additional items in Annex 2 agreed by the Audit & Governance Committee;
- (c) to approve amendments in Annex 3 agreed by the Oxfordshire Health & Wellbeing Board to its Terms of Reference;
- (d) to delegate to the Director of Law & Governance and Monitoring Officer the ability to make any necessary additional changes to the Constitution to amend any inconsistencies arising from these proposed changes and where any existing drafting in the Constitution is inconsistent with the changes set out in this report and approved by Council.

12. Committees and Review of Political Balance (Pages 293 - 304)

Report by Director of Law and Governance and Monitoring Officer

Council is requested to approve committee appointments based on revised political balance calculations following the formation of the Green Group and Reform UK Group.

Council is RECOMMENDED

- a) **To note the review of political balance of committees to reflect the formation of the Green Group and Reform UK Group.**
- b) **To appoint members to the committees of the Council as listed at Annex 1.**

13. The Use of Urgency Provisions (Pages 305 - 308)

Report by Director of Law & Governance and Monitoring Officer

The Constitution makes provision for urgent decisions to be made exempt from call-in on the agreement of the Chair of the Council. When this occurs, it must be reported to the next meeting of Council.

Council is RECOMMENDED to note

- (a) **the exemption from Call-in of the following decision:**

- **Cabinet on 20 March 2025 - Initial Response to Government: Statutory invitation for Local Government Reorganisation and Devolution**

14. Interim Arrangements for Taking Emergency Decisions Immediately Following the County Council Elections (Pages 309 - 312)

Report by Director of Law and Governance and Monitoring Officer

The report seeks approval to a temporary variation to the delegated powers of the Chief Executive to aid effective decision making in the period between the retirement of councillors following the elections in May and the Annual Council meeting on 20 May 2025.

Council is RECOMMENDED to agree a temporary variation to Part 7.2 of the Scheme of Delegation to Officers with effect that from 5 May to 20 May 2025 paragraph 6.3 (c) is to be read as follows:-

“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chair and Vice-Chair of the Council and the Leader, as appropriate.”

MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

WOULD MEMBERS PLEASE NOTE THAT ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE FRIDAY BEFORE THE MEETING

15. Motion by Councillor Glynis Phillips - National Care Service

A National Care Service is required in England to provide consistent high-quality care and provide further support for unpaid carers by creating and implementing national standards.

There is a crisis in the adult social care workforce with the figures from Skills for Care showing that there are currently over 131,000 vacancies in the care sector. There are variations across the country in the way this vital workforce is treated with some care workers suffering from poor pay and conditions.

This council agrees for the Leader to write to the Secretary of State for Health and Social Care setting out our support for a National Care Service that will

- Improve the quality of care for everyone who needs it and providing further support for unpaid carers
- Support independent living and enable people to recover outside hospital and care homes with the right level of support
- Promote public sector and not for profit organisations delivering care services
- Support partnership working with care providers including the voluntary sector, unions and government
- Implement a fair pay agreement with all care providers including the voluntary

sector.

This council supports the setting up of a National Care Service and urges the Leader to write to the Secretary of State for Health and Social Care to prioritise this reform.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

16. Motion by Councillor Donna Ford - Banking Hubs

Councillors note the increasing number of vacant bank and building society buildings on our high streets, which are largely the result of technological change. The loss of community banking services is of concern to many residents, especially older constituents and those with disabilities and adaptive needs.

Buckinghamshire Council has set up a Banking Hub in Buckingham library for people to access banking services in the town centre.

Established in partnership with Buckinghamshire Council through its Buckingham and Villages Community Board, with the support of Buckingham Town Council and community representatives, the temporary Banking Hub provides local people with access to banking services. This offers a counter service operated by the Post Office, where customers of all major banks and building societies can carry out regular cash transactions. It also offers a Community Banker service where customers can talk to their banking provider about more complicated issues. Community Bankers work on rotation, with a different bank or building society available on each day of the week, to ensure fair and equitable access to major banking and building society customers.

Council requests the relevant Cabinet member for Community and Corporate Services and the Cabinet Member for Finance to take a lead from forward-thinking colleagues at Buckinghamshire Council and, working with its Town Council, and District Council partners, invite banks and building societies that have left – or are due to leave – our high streets to explore opportunities to work with this Council to set up similar banking hubs within appropriate Council libraries.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

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.

Other registrable interests include:

- 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.

Members Code – Non-registrable 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), or the financial interest or wellbeing of a relative or close associate, you must declare 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.

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Agenda Item 1

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 11 February 2025 commencing at 10.30 am and finishing at 6.30 pm

Present:

Councillor Alison Rooke – in the Chair

Councillors:

Mark Lygo, Vice Chair	Ted Fenton	Calum Miller
Juliette Ash	Donna Ford	Jane Murphy
Brad Baines	Andrew Gant	Michael O'Connor
David Bartholomew	Stefan Gawrysiak	Glynis Phillips
Tim Bearder	Andy Graham	Sally Povolotsky
Robin Bennett	Kate Gregory	Susanna Pressel
Felix Bloomfield	Jane Hanna OBE	Eddie Reeves
Liz Brighouse OBE	Jenny Hannaby	G.A. Reynolds
Kevin Bulmer	Damian Haywood	Judy Roberts
Nigel Champken-Woods	Charlie Hicks	David Rouane
Mark Cherry	John Howson	Geoff Saul
Andrew Coles	Tony Ilott	Les Sibley
Yvonne Constance OBE	Bob Johnston	Nigel Simpson
Ian Corkin	Liz Leffman	Roz Smith
Imade Edosomwan	Nick Leverton	Ian Snowdon
Trish Elphinstone	Dan Levy	Peter Stevens
Duncan Enright	Dr Nathan Ley	Dr Pete Sudbury
Mohamed Fadlalla	Kieron Mallon	Bethia Thomas
Arash Fatemian	Ian Middleton	Michael Waine
Neil Fawcett	Freddie van Mierlo	Liam Walker

The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

1/25 MINUTES

(Agenda Item 1)

The minutes of the meeting held on 10 December 2024 were approved subject to the following amendment:

On page 2 under item 124/24, fourth paragraph, replace 'at 6.30pm' with 'at 6.30pm'.

2/25 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies were received from Councillors Banfield and Field-Johnson.

3/25 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE

(Agenda Item 3)

There were no declarations of interest.

4/25 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

Chief Fire Officer and Director of Community Safety, Rob MacDougall, was rewarded for over 25 years of service to public safety with a King's Fire Service Medal in this year's New Year's Honours. He was recognised for his exemplary work over the years, in particular his contributions to the Thames Valley Violence Reduction Unit; leadership during times of crisis; ongoing voluntary work; and his commitment to equality and diversity.

The other Oxfordshire recipients of awards in the New Year's Honours were listed in Annex 1.

The following is a list of events attended by the Chair and Vice-Chair since the December Council meeting:

10/12 – VCH Trust Christmas Lecture, St John's College, Vice Chair attended
13/12 – Albert Park Singers Concert, Abingdon, Chair attended
14/12 – Lowland Rescue Service, Shiplake, Chair attended
16/12 – OCC Chair's Carol St Michaels, Abingdon
16/12 – Lord Mayor's Christmas Reception, Oxford, Vice Chair attended
21/12 – Sheldonian Carols Oxford Bach Choir, Oxford, Chair Attended
22/12 – Lord Mayors Carols, Oxford, Chair attended
23/12 – Oxford Cathedral Carols, Oxford, Chair attended
09/01 – Farming Conference with Princess Royal, Oxford, Chair attended
10/01 – Chair's charity gala dinner, Oxford
20/01 – Oxford Buildings Trust AGM, County Hall, Chair attended
24/01 – OCC music service Sheldonian, Oxford, Chair attended
27/01 – Holocaust Memorial Day, Oxford, Chair attended
29/01 – Christ Church Civic party, Oxford, Chair attended
29/01 – PA Network, County Hall, Oxford, Chair attended
31/01 – West Oxford Chair's fundraiser, Woodstock, Chair attended
04/02 – High Sheriff's Law Lecture, Oxford, Chair attended

The Chair thanked everyone who attended the Carol Service at St Michael's, Abingdon led by the Bishop of Dorchester at which over £400 was raised. She also thanked all who came to the gala dinner at the Mercure Hotel in Iffley, as well as those councillors who made a donation despite being unable

to attend. Over £2000 was raised that night for those charities. The funds raised will go to My Vision Oxfordshire, Parkinsons UK and the Earth Trust.

5/25 APPOINTMENTS

(Agenda Item 5)

There were no appointments to note.

6/25 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

Petitions

Jenny Wells presented a petition with around 570 signatures regarding Low Traffic Neighbourhoods on behalf of mobile trades.

Anthony Cheke presented a petition with approximately 1330 signatures regarding visitor permits in Controlled Parking Zones.

Bernadette Evans presented a petition with 14 signatures regarding representation on the Citizens' Assembly.

Laura Greatrex presented a petition with 22 signatures calling for the widening Hitchcock Way in Didcot.

Item 10 – Budget and Business Planning 2025/26

Gill Bindoff
Richard Drew
Sumukh Kaul
Robin Tucker

Where the texts of speeches have been provided, they are published alongside the minutes.

7/25 PAY POLICY STATEMENT 2025 / 26

(Agenda Item 7)

Council was asked to consider the Pay Policy Statement which, under the Localism Act 2011, the Council is required to agree and publish every financial year. The statement, attached to the report, had been recommended for approval by the Remuneration Committee at its meeting on 15 January 2025.

The recommendation was moved by Councillor Liz Leffman, Chair of the Remuneration Committee and seconded by Councillor Liz Brighthouse, Deputy Chair.

Following discussion an electronic vote was taken. The recommendation was passed with 58 votes in favour, none against and no abstentions.

Resolved to:

Approve and adopt the 2025/26 pay policy statement and agree to its publication on the council website and intranet, as required by The Localism Act 2011 (the Act) and the Code of Practice on Data Transparency.

8/25 GENDER EQUALITY AND ETHNICITY PAY GAP REPORTS

(Agenda Item 8)

Council had before it a report on the Council's Gender Pay Gap which is a statutory requirement as well as a report on the Ethnicity Pay Gap which is currently voluntary and a matter of best practice. The reports had been recommended for approval by the Remuneration Committee at its meeting on 15 January 2025.

The recommendation was moved by Councillor Liz Leffman, Chair of the Remuneration Committee and seconded by Councillor Liz Brighthouse, Deputy Chair.

Following discussion an electronic vote was taken. The recommendation was passed with 56 votes in favour, none against and no abstentions.

RESOLVED to:

a) Note and approve the council's statutory gender equality pay gap report of 2024 for onward submission to the Gender Pay Gap Service, and making it available to the council's employees, and on the council's website by 30 March 2025.

b) Note the council's voluntary ethnicity pay gap report of 2024.

9/25 THE USE OF URGENCY PROVISIONS

(Agenda Item 9)

Council was asked to note recent urgent decisions which were made exempt from call-in on the agreement of the Chair of the Council.

This report was proposed by Councillor Leffman and seconded by Councillor Sudbury.

Following discussion, Council noted the report.

RESOLVED to note:

a) the exemptions from Call-in of the following decisions:

- (1) Cabinet on 17 December 2024 - Oxfordshire County Council response to Government Consultation on Remote Attendance and Proxy Voting at Council Meetings**
- (2) Shareholder Committee (Cabinet Committee) on 17 December 2024 - Changes to the Articles of Association and Board Director Appointments**

- (3) Cabinet on 9 January 2025 - Devolution and Local Government Reorganisation**
- (4) Cabinet Member for Children, Education and Young People's Services on 21 January 2025 - Formal Approval of Schools Funding Formula 2025/26**

10/25 BUDGET AND BUSINESS PLANNING 2025/26 - 2027/28

(Agenda Item 10)

Council had before it the Cabinet's proposed budget for 2025/26, medium term financial plan to 2027/28 and capital programme to 2034/35, together with a number of strategies and policies that the Council was required to approve for the 2025/26 financial year.

Amendments had been submitted by the Conservative Independent Alliance and by the Labour & Cooperative Group. The Chair decided to hear the debate on the Cabinet proposals first, followed by the debate on the amendments from the Conservative Independent Alliance and finally the debate on the amendments from the Labour & Cooperative Group. The Chair proposed that the meeting then be adjourned for discussions between the groups to formulate proposals that would achieve majority support.

The Cabinet recommendations were proposed by Councillor Liz Leffman, Leader of the Council, and seconded by Councillor Dan Levy, Cabinet Member for Finance. The recommendations were debated.

The amendments in Addenda 1 were proposed by Councillor Eddie Reeves, Leader of the Opposition, and seconded by Councillor David Bartholomew, Shadow Cabinet Member for Finance. The amendments in Addenda 1 were debated.

The amendments in Addenda 2 were proposed by Councillor Liz Brighthouse, Leader of the Labour & Cooperative Group, and seconded by Councillor Brad Baines, the group's spokesperson on Finance. The amendments in Addenda 2 were debated.

The Chair proposed an adjournment at 4.50pm and this was agreed.

The meeting resumed at 6.10pm.

A new proposal, with amendments published in a Supplementary Report, was proposed by Councillor Liz Leffman and seconded by Councillor Dan Levy. The new proposal was debated and put to a vote.

Councillors voting for the proposal (40):

Baines, Bearder, Bennett, Brighthouse, Cherry, Coles, Edosomwan, Elphinstone, Enright, Fadlalla, Fawcett, Gant, Gawrysiak, Graham, Gregory, Hanna, Hannaby, Haywood, Hicks, Howson, Johnston, Leffman, Levy, Ley,

Lygo, Middleton, van Mierlo, Miller, O'Connor, Phillips, Povolotsky, Pressel, Roberts, Rooke, Rouane, Saul, Smith, Stevens, Sudbury, Thomas.

Councillors voting against the proposal (0)

Councillors abstaining (13):

Ash, Bartholomew, Corkin, Fatemian, Fenton, Ford, Mallon, Reeves, Sibley, Simpson, Snowdon, Waine, Walker.

The proposal as amended was moved by Councillor Leffman, seconded by Councillor Levy and put to a vote.

Councillors voting for the proposal (40):

Baines, Bearder, Bennett, Brighthouse, Cherry, Coles, Edosomwan, Elphinstone, Enright, Fadlalla, Fawcett, Gant, Gawrysiak, Graham, Gregory, Hanna, Hannaby, Haywood, Hicks, Howson, Johnston, Leffman, Levy, Ley, Lygo, Middleton, van Mierlo, Miller, O'Connor, Phillips, Povolotsky, Pressel, Roberts, Rooke, Rouane, Saul, Smith, Stevens, Sudbury, Thomas.

Councillors voting against the proposal (0)

Councillors abstaining (13):

Ash, Bartholomew, Corkin, Fatemian, Fenton, Ford, Mallon, Reeves, Sibley, Simpson, Snowdon, Waine, Walker.

The Council is RECOMMENDED to:

- a. have regard to the statutory report of the Executive Director of Resources and Section 151 Officer set out in Section 3.1 alongside Labour & Co-operative Group Section 3.1 in approving recommendations b to d below;
- b. (in respect of the budget and medium term financial strategy – at Section 4) approve the following:
 - (5) the council tax and precept calculations for 2025/26 [at Section 4.3] and in particular:
 - (i) a precept of £533,328,633;
 - (ii) a council tax for band D equivalent properties of £1,911.40;
 - (6) a budget for 2025/26 [at Supplementary Section 4.4 which incorporates the changes set out in Section 4.2 amended by Labour & Co-operative Group Section 4.2 and further amendments in Supplementary Section 4.2.1];
 - (7) a medium term financial strategy for 2025/26 to 2027/28 [at Supplementary Section 4.1 [which incorporates changes to the existing medium term financial strategy as set out in Section 4.2

- amended by Labour & Co-operative Group Section 4.2 and further amendments in Supplementary Section 4.2.1];
- (8) the Financial Strategy for 2025/26 [at Section 4.5];
 - (9) the Earmarked Reserves and General Balances Policy Statement 2025/26 [at Section 4.6 amended by Labour & Co-operative Group Section 4.6]. This includes:
 - (i) the Executive Director of Resources and Section 151 Officer's recommended level of General Balances for 2025/26 [at Section 4.6], and
 - (ii) the planned level of Earmarked Reserves for 2025/26 to 2027/28 [at Section 4.6.1 amended by Supplementary Section 4.2.1 (see paragraph 6 below)].
- c. (in respect of capital – at Section 5) approve:
- (1) the Capital & Investment Strategy for 2024/25 to 2034/35 including the Prudential Indicators and Minimum Revenue Provision Methodology Statement [at Supplementary Section 5.1 which incorporates Section 5.3 amended by Labour & Co-operative Group Section 5.3];
 - (2) a Capital Programme for 2024/25 to 2034/35 [at Supplementary Section 5.4 which includes new capital proposals set out in Section 5.3 and amended by Labour & Co-operative Group Section 5.3].
- d. (in respect of treasury management – at Section 5) approve:
- (1) the Treasury Management Strategy Statement and Annual Investment Strategy for 2025/26 [at Section 5.2] including the Treasury Management Prudential Indicators and the Specified Investment and Non-Specified Investment Instruments.
 - (2) that any further changes required to the 2025/26 Treasury Management Strategy be delegated to the Executive Director of Resources and Section 151 Officer in consultation with the Leader of the Council and the Cabinet Member for Finance.

..... in the Chair

Date of signing

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Council 1 April 2025

A Stitch in Time: Supporting the Mental Wellbeing of Young People Today to Improve Their Prospects for Tomorrow

Director of Public Health Annual Report

Report by Director of Public Health and Communities

Recommendation

- 1. The Council is RECOMMENDED to note the Director of Public Health's Annual Report in Annex 1 and to take every opportunity to support actions and initiatives that will progress related work.**

2. Executive Summary

2.1 The Council is to be informed on the structure and overview of content, including key messages, of the upcoming Oxfordshire County Council Director of Public Health Annual Report (2024/2025) focussed on children and young people's mental health and economic activity.

2.2 Directors of Public Health are required to establish an annual report highlighting key public health priorities for their area.

2.3 This work is timely and closely aligned with the *Improving the mental health of babies, children and young people* framework, published by the Department of Health and Social Care in 2024, and the Health Foundation's *Mental health trends among working-age people* (published in 2025).

3. Background

3.1 For children and young people to lead healthy, fulfilling, and happy lives, good mental health is essential. It is central to overall wellbeing and allows children and young people to take advantage of opportunities that present throughout life. Both nationally and locally, rates of reported mental health problems are rising. This can have significant implications for employment and training opportunities, with adults that report mental health problems at an early age less likely to be in employment, education and training, and more likely to hold lower-quality jobs. As Oxfordshire looks forward to 2040, population models reflecting an aging population and rise in long term conditions predicts an increasing proportion of people living with ill health, which is not matched by the predicted rise in the working population.

4. Report Content

4.1 The Director of Public Health Annual Report has been developed and refined by an interdisciplinary steering group. The primary audience of this report are system partners in health, care, education, and local government.

4.2 The Director of Public Health Annual Report is structured as follows:

Section Title	Main Content
Foreword	Foreword provided by Ansaf Azhar (Director of Public Health)
Executive Summary	Outline of content and key points.
Introduction	Defines what is meant by mental health and briefly summarises why this is an important topic for Oxfordshire. Outlines how the report aims to address the topic and make recommendations.
Section 2: Changing mental health among children and young people	This section presents the evidence base regarding mental health and how it is changing, locally and nationally. It describes the data sources and how these can be interpreted and applied, and where Oxfordshire differs from or is influenced by national trends. It also uses the available evidence to outline key risk factors for mental health problems and suggest how these may influence the Oxfordshire picture.
Section 3: Mental health and unemployment	The relationship between mental health and economic activity is outlined in this section. Wider barriers to quality employment are presented, and how these are often tied in with poverty and deprivation. Economic inactivity can, in turn, influence mental health leading to a cycle of unemployment and mental health problems that can be difficult to break. Oxfordshire data on young people who are not in employment, education or training is included in this section, with exploration of local education indicators, which suggest growing inequity of attainment between disadvantaged children and their peers.
Section 4: What do we now works?	This section sets out a framework for addressing the highly complex factors influencing mental health problems in young people. A multi-level approach is described, with actions at individual, interpersonal, schools and communities, and wider environment levels.
Section 5: What's happening in Oxfordshire	There are many organisations in Oxfordshire working on this. This section describes some of the ongoing work, including systems-based approaches, innovative programmes and community and voluntary sector input.
Section 6: Recommendations	There are 4 broad recommendations, which are then broken down into actions at an individual, interpersonal, schools and communities, and wider environment level. The broad recommendations are:

	<ul style="list-style-type: none"> • Strive to reduce mental health problems by addressing wider factors • Prioritise opportunity, activity, independence, and community • Prioritising early and effective intervention • Ensuring diverse career and training opportunities are available for all young people
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5. Corporate Policies and Priorities

5.1 The annual report is closely aligned with the County Council vision of “working in partnership to make Oxfordshire a greener, fairer and healthier county”. Of the “nine priorities”, this work is relevant to ensure that we “create opportunities for children and young people to reach their full potential”, “work with local businesses and partners for environmental, economic and social benefit”, “tackle inequalities in Oxfordshire”, “prioritise the health and wellbeing of residents”, “support carers and the social care system”, “invest in an inclusive, integrated and sustainable transport network”, “preserve and improve access to nature and green spaces”, and “put action to address the climate emergency at the heart of our work”.

6. Financial Implications

Oxfordshire County Council’s budget for 2025/26 reflects the priorities set out in Section 5. There are no direct financial implications arising from this report.

The resource needed to develop this work will continue to require officer input from partners across the Oxfordshire system.

Comments checked by:

Kathy Wilcox, Head of Corporate Finance
Kathy.wilcox@oxfordshire.gov.uk

7. Legal Implications

The Health and Social Care Act 2012, sets out a requirement for all Directors of Public Health to produce an annual independent report on the health of their local population and the county council is required to publish it under the National Health Service Act 2006. This report will enable the Director of Public Health and the County Council to comply with these statutory duties.

Comments checked by:
Jonathon Pool, Solicitor
jonathan.pool@oxfordshire.gov.uk

8. Consultations and Communications

8.1 To date, summaries and outlines of the annual report have been presented to a number of stakeholders. Their comments and feedback have been incorporated into the final draft of the report. To date, early content related to the report has been presented to the Public Health Directorate Leadership Team, County Council Strategic Leadership Team, Cabinet Member for Public Health, Inequalities and Community Safety, Cabinet Member for Children, Education and Young People's Services, County Council Informal Cabinet, Health & Wellbeing Board, Health Oversight and Scrutiny Committee, and District Councils Meeting. The launch of the report is at Full Council briefing in April 2025.

ANSAF AZHAR

Director of Public Health and Communities

Annex: Annex 1: The Annual Report of the Director of Public Health

Background papers: None

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March 2025

Children and Young People's Mental Health

Director of Public Health Annual Report

2024/2025



A stitch in time:

Supporting the mental wellbeing of young people today to improve their prospects for tomorrow

Foreword

from **Ansaf Azhar**



It is that time of the year again where I launch my Director of Public Health report for year 2024/25. As I do every year, I use my report to shine the spotlight on an important issue to create a call for action across all our partners in Oxfordshire.

Last year, we focused on the interplay between climate and health, and we reframed the debate on how climate interventions not only improve our environment across the globe over the long term but also improved our own health and wellbeing immediately.

This year, as we become a “Marmot County”, I want to focus on the mental wellbeing of our children and young people as a means to positively influence their future opportunities. Again, like last year, I would like to reframe our thinking around this.

Over the last few years, we have seen significant increase in the referral of young people into

specialist mental health service provision. The drivers for this are multifactorial, complex and not fully understood. However, they will include an element of real increase in children and young people with mental health problems as well as an increase in diagnostic classifications and awareness.

Firstly, there is likely to be a small but significant increase in mental health conditions in young people for which mental health services are required.

However, it is likely that there is also a significant increase in lower level emotional and mental wellbeing issues coupled with anxiety disorders amongst our young people.

With support and early intervention, these cases often do not require referral to specialist clinical interventions. There is also a need to recognise that mental health, like physical health, can vary day to day and this is a normal part of life. It’s important that our young people have the right tools to deal with their mental health fluctuations enabling them to build their resilience and deal with the day-to-day challenges of life and to realise their potential. The vast array of preventative and self-help wellbeing provisions available in Oxfordshire can be extremely helpful in these circumstances.

In some cases, these programmes can also help young people while they wait to be seen by a specialist.

It is important we see all our young people from diverse backgrounds as assets and their mental health is not a barrier to reaching their full potential. For this, all statutory partners and settings have a key role to play in maximising the potential of young people taking their differences into account and ensuring they are ready for the future in a way that reflects their individuality. In addition to this, our families, friends and communities can play a vital role in encouraging these preventative wellbeing approaches.

During the post COVID years we have seen a substantial rise in economic inactivity in both young people and older adults, reducing the growth of the working population significantly. This is happening at a time when healthy life expectancy is declining across country. This means we see a rising number of people living with long term ill health and having caring needs. In young people, one of the main drivers for economic inactivity is poor mental wellbeing.



We also know that economic inactivity as well as unstable and unsatisfying employment can lead to poor mental and emotional wellbeing amongst our young people, thus creating a strong viscous cycle.

We can better address this issue by looking at the situation in a different way. We need to embed mental wellbeing support across the county, particularly supporting children and young adults in early years, throughout education and through the transition from education to employment.

We know the needs of the Oxfordshire in the next couple of decades is going to be widely variable and we must map these skills and roles required to fulfil these needs. They are unlikely to come solely through traditional academic qualifications.

Our apprenticeships model should recognise the value of diversity in our society, and in meeting the community, skills and economic development needs of Oxfordshire. Our anchor institutions should come together in creating career opportunities for all, with a particular focus on transition to employment and on retraining to meet the future skills demands of the county.

As we become a “Marmot County” and have agreed to focus on early years as part of this, it feels timely that we come together to not only protect and improve the wellbeing of our young people, but also to create a productive and inclusive workforce that is fit to meet the challenging future needs of Oxfordshire.

I hope you enjoy this report, and it inspires you to capitalise on this moment and come together to make a once in a generation positive change to our young people’s mental wellbeing and the future of Oxfordshire.

Ansaf Azhar
Director of Public Health and Communities



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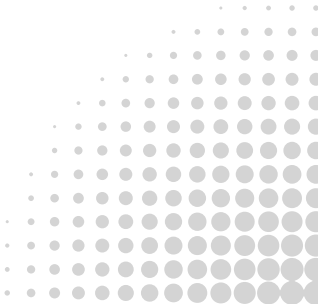
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1 Introduction

1.0 Mental health and wellbeing in children and young people

For children and young people to lead healthy, fulfilling, and happy lives, good mental health is essential.

It is central to overall wellbeing and allows children and young people to take advantage of opportunities that present throughout life. However, providing support for children and young people facing mental health problems and fostering good mental health is complex, and remains an ongoing challenge that demands collective effort from the individual, their families, schools, workplaces, and communities. This report highlights how the mental

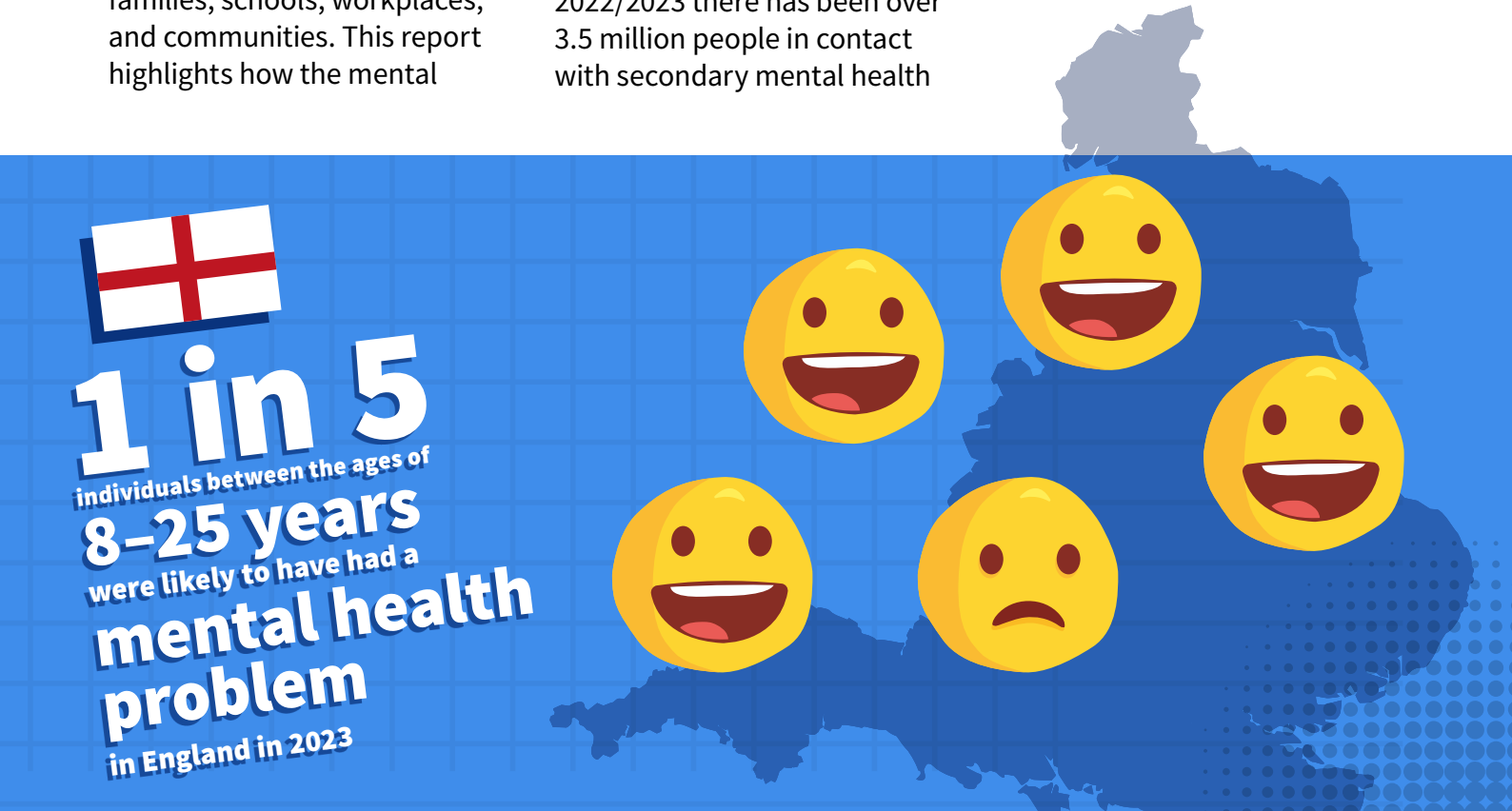
health of children and young people in Oxfordshire – those aged up to 25 years – is changing and what can be done to manage this change.

Improving the population’s mental health has been a national priority in the past decade¹. Despite this, the burden of mental health problems remains substantial and continues to grow for individuals of all ages, with 10 per cent of working age people reporting signs of a mental health problem² and this number has grown fastest in those aged 16–34. Also, in 2022/2023 there has been over 3.5 million people in contact with secondary mental health



services, a 10 per cent increase compared to 2021/2022³.

An estimated 1 in 5 individuals between the ages of 8–25 years were likely to have had a mental health problem in England in 2023⁴, with referrals to child and adolescent mental health services (CAMHS) in England increasing by around 12 per cent each year since 2016⁵.



1.1 Defining mental health

The World Health Organisation⁶ defines mental health as ‘a state of wellbeing that enables people to cope with the stresses of life, realise their abilities, learn well and work well, and contribute to their community’.

This definition references how mental health relates to the person themselves, their relationships, and their ability to function in and contribute to a society.

Because mental health affects how people experience and respond to the world around them, it influences all aspects of life and is integral to individual and collective decision making.

Discussion of mental health is therefore complex, and it is important to acknowledge that definitions of mental health problems can differ between contexts.

This report includes data from various sources that are sometimes not directly comparable.

For example, some sources record mental health based on patients reporting their own experiences, where in other contexts, rates of prescriptions for commonly used drugs are used as an indicator for mental health problems or mental health problems are differentiated by whether or not they limit capacity for work. We aim to make this clear throughout the report where necessary.

The landscape of mental health can include discussion of wellbeing, and emotional wellbeing.

Therefore, interventions intended to support wellbeing may be different to mental health interventions, there is frequently crossover, and these can be protective of, or

beneficial to mental health.

Additionally, mental health problems frequently occur alongside other conditions. Certain diagnoses, such as autism or attention deficit hyperactivity disorder, are widely acknowledged to increase the risk of mental health problems but are not in themselves mental health problems.

The mental health landscape includes self-harm, suicide, and severe mental health problems. These are important and Oxfordshire’s Suicide and Self-Harm Prevention Strategy is currently being refreshed and will be published in 2025.

The scope of this report does not focus on clinical management of mental health problems, but on the wider picture of mental health including exploring the factors influencing trends in mental health, and potential systems approaches to protecting and supporting the mental health of children and young people.

1.2 What are the consequences of poor mental health in children and young people?

Mental health problems in children and young people are interlinked with physical and emotional wellbeing, and impact individuals, families and surrounding communities.

For instance, mental health problems in childhood have been linked with a wide range of emotional and behavioural impacts such as reduced sleep quality⁹, increased risk of self-harm and suicide¹⁰, greater rates of alcohol or illicit drug use¹¹, and challenges with attention and conduct at school¹².

There is growing awareness of the physical health consequences of mental health problems, including difficulties with maintaining a healthy weight¹³, issues with sticking to treatment for medical conditions such as type 1 diabetes mellitus¹⁴ and higher risks of developing chronic conditions such as heart disease in adulthood¹⁵.

Mental health problems in children and young people are also linked with social outcomes such as lower school readiness, higher school absenteeism and lower educational attainment¹⁶.

Difficult family environments including domestic violence, abuse, or neglect are also strongly related to mental health problems in children, with individuals in such family conditions being more than twice as likely to have a mental health problem than those in more stable families¹⁷.

This can have significant implications for employment and training opportunities, with adults that report mental health problems at an early age less likely to be in employment, education and training, and more likely to hold lower-quality jobs¹⁸.

Finally, mental health problems are strongly linked to inequality, with children

from lower-income families around four times more likely to experience mental health problems than those from higher-income families.

This can be cyclical, with mental health problems being worsened by factors associated with deprivation such as unemployment or poor housing, while also being a barrier to taking actions to improve living conditions.

Promoting and enabling good mental health is therefore a vital component to reducing health differences within communities to break the cycle of negative thoughts reinforcing each other.

Mental Health Language

While we all have different ways of talking about our mental health, some words and phrases are more respectful and widely accepted by others.

As more people talk about their mental health, the language we use about mental health is changing. This can have a positive impact on the stigma of mental ill health. Mental health problems is a phrase that many people who experience them have said feels appropriate and helpful for them, we therefore use this phrase throughout this report.

Mind⁷ and the Mental Health Foundation⁸.

Impacts of poor mental health for teenagers



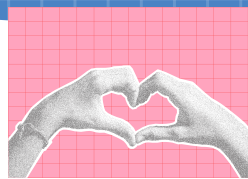
Education:

When struggling with concentration, memory and motivation, it can be difficult to excel at school and often grades suffer.



Employment:

Teenagers may struggle to find and keep a job and their performance often suffers.



Relationships:

Struggling with mental health often puts strain on relationships including withdrawal and increased conflict.



Finances:

Managing finances is incredibly difficult for those with mental health problems - especially impulsive teens.



Physical Health:

Poor mental health can lead to physical health problems, such as sleep disorders, gastrointestinal problems and headaches.

1.3 What are the objectives and aims of this report?

Supporting and improving the mental health and wellbeing of children and young people is paramount to building a thriving society.

This report provides an overview of mental health and wellbeing of children and young people in Oxfordshire, highlighting the potential drivers for changes in mental health over the past decade.

It will also explore the intricate relationship between mental health and employment, emphasising the challenges and barriers that young people with mental health problems face during this transition period to adulthood.

This report describes what we can do to tackle this growing issue, examining the current evidence base behind interventions aimed at

improving mental wellbeing and showcasing the ongoing efforts in Oxfordshire to support local children and their families.

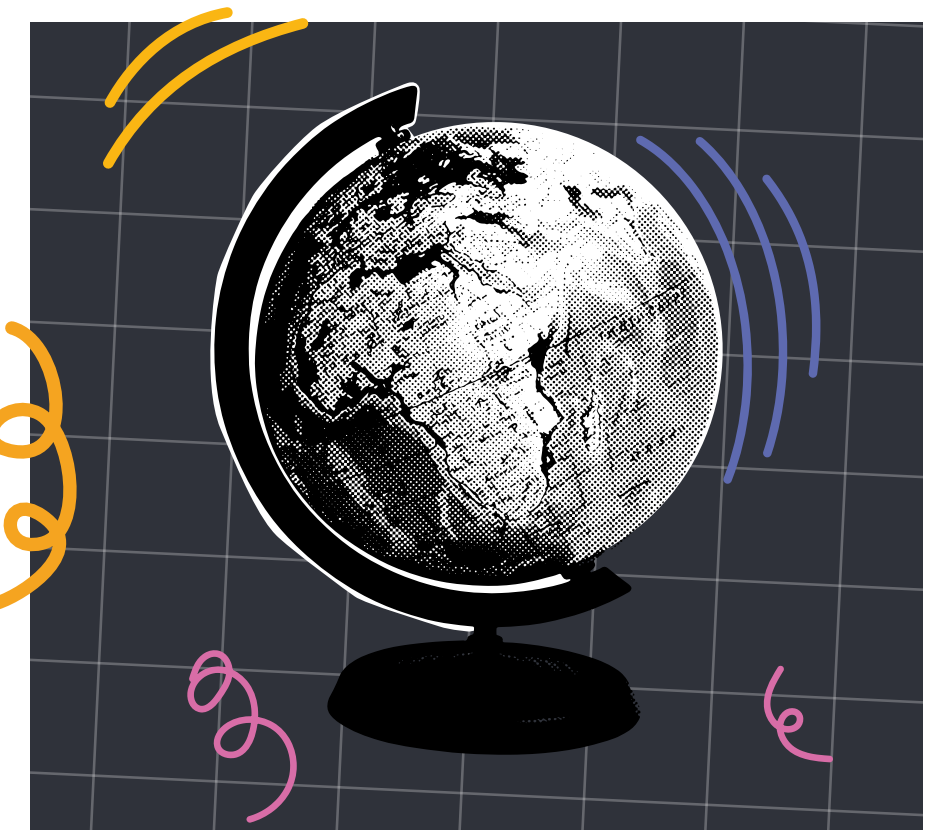
Lastly, it will outline the recommendations aimed at improving the mental health of all children and young people in Oxfordshire.

2 Changing mental health among children and young people

2.0 What is the global and national picture of mental health in children and young people?

Mental health problems among children and young people have been increasing at an alarming rate over the past few decades, with an estimated 166 million young people suffering from a mental health problem in 2019 – roughly equivalent to one in seven¹⁹.

Depression and anxiety are now ranked as the 4th and 7th biggest contributors to poor health in children globally. In comparison to 1990, the overall burden from mental health problems in children and young people has grown by 15 per cent, with the United Kingdom having one of the higher rates



of young people diagnosed with new mental health problems compared to other countries in western Europe²⁰.

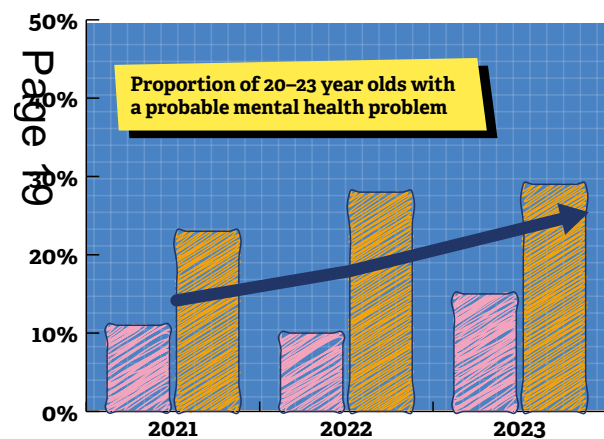
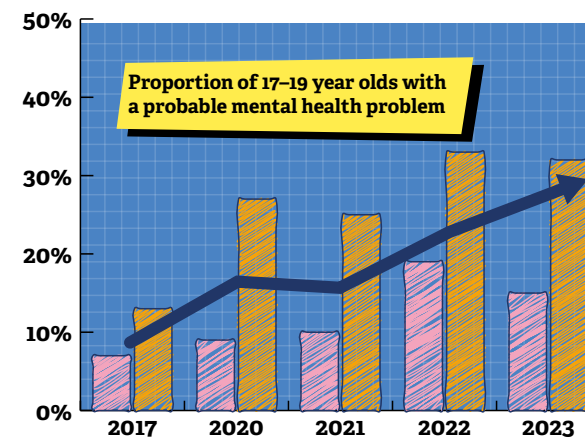
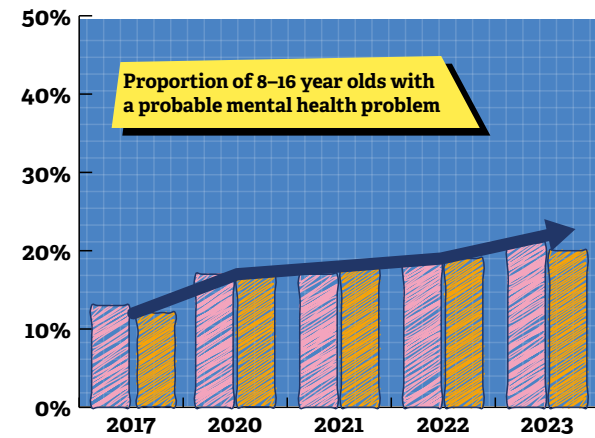
In England, it is estimated that approximately 1 in 5 children and young people aged 8–25 had a probable mental health problem in 2023, as defined by scoring highly on the strengths and difficulties questionnaire – a questionnaire used to assess children's mental health²¹.

This has risen sharply in recent times, with around a 66 per cent increase in 8–16 year olds and more than a doubling in 17–19 year olds since 2017. Since 2021, there has also been a 30 per cent increase in probable mental health problems amongst those aged 20–23, with young women experiencing approximately twice as many probable mental health problems as young men.

The rise in mental health problems in children and young people in England between 2017 and 2023

Graphs showing the rise in mental health problems in children and young people in England between 2017 and 2023.

Source: Mental health of children and young people in England 2023 survey²².

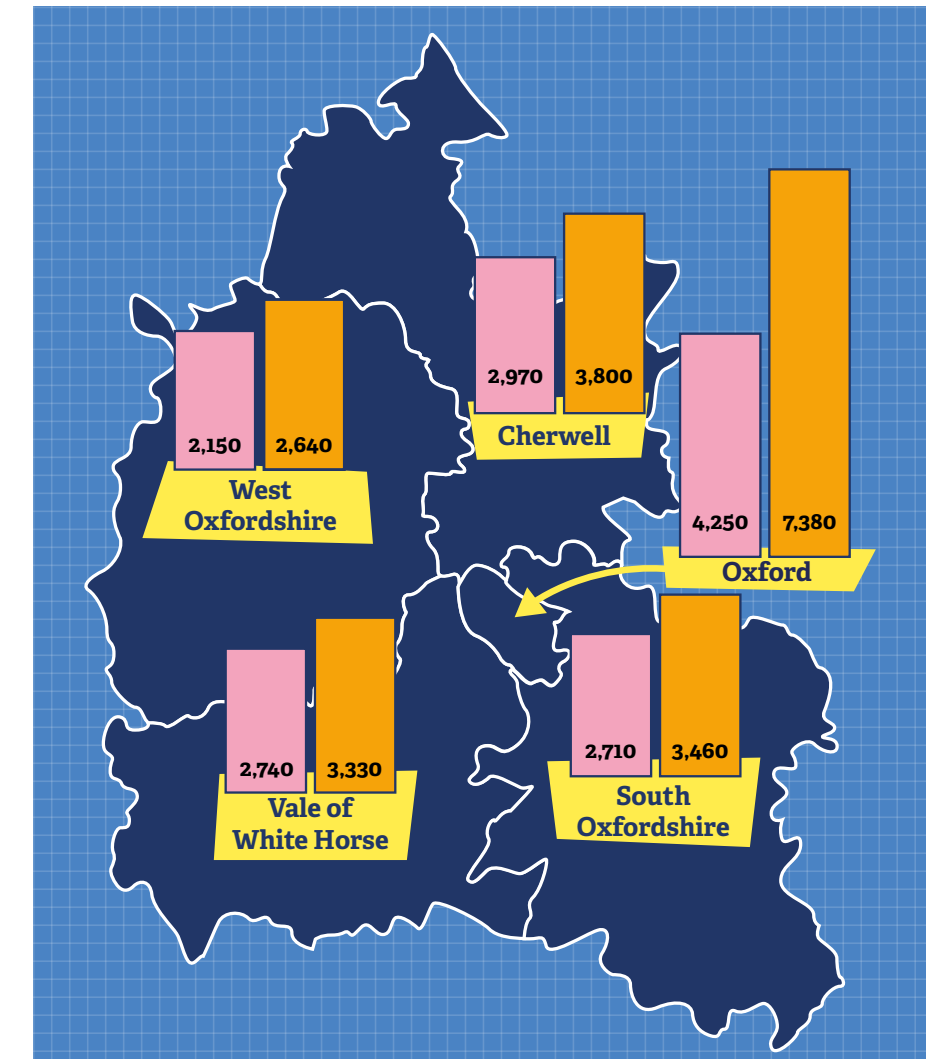


People that identify as male
People that identify as female

2.1 What is happening in Oxfordshire?

Oxfordshire has also observed changes in the mental health and wellbeing of its children and young people. This is particularly important given the high proportion of students in the county. Using national estimates, around 35,000 of Oxfordshire's children and young people were likely to have had mental health problems in 2023.

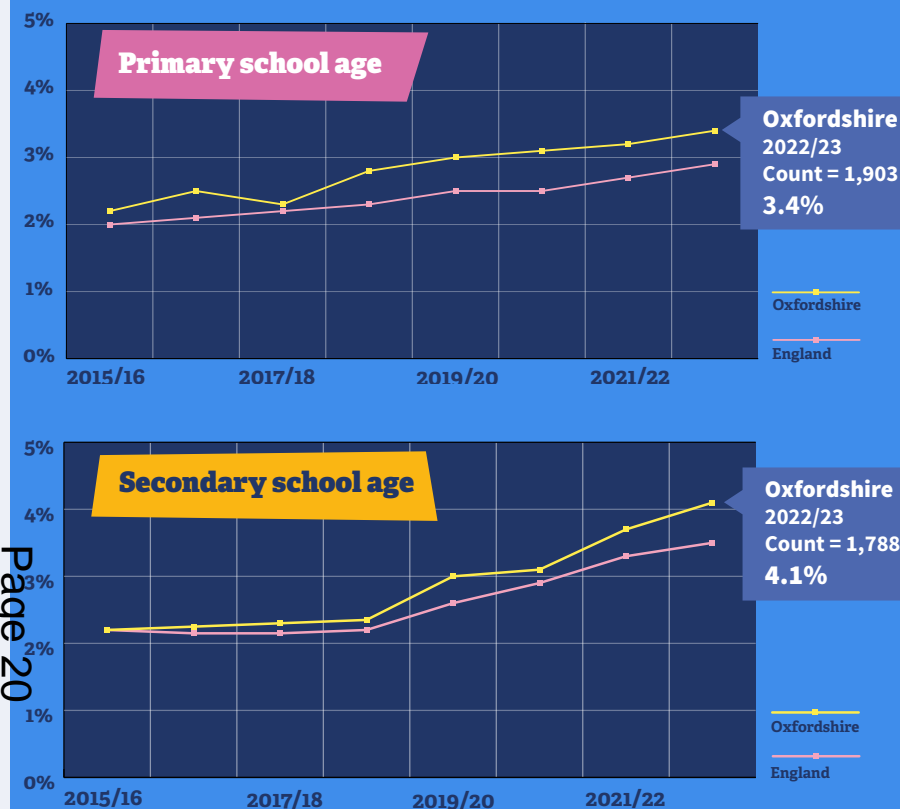
Caption: These numbers have been generated by applying national estimates of prevalence of probable mental health problems in children and young people (from Mental Health of Children and Young People in England Survey 2023) to the ONS mid-population estimates for Oxfordshire in 2023. This estimate includes the student population.



Estimated burden of mental health problems in children and young people by Oxfordshire districts in 2023.

People that identify as male
People that identify as female

The number of school children with special education needs (SEN) who are identified as having social, emotional and mental health as the primary type of need, as a percentage of all school pupils (academic years).



Referrals to secondary mental health services have steadily increased across all childhood age groups, with an 83 per cent rise between 2016/2017 and 2019/2020 for ages 0–9, a 58 per cent rise for ages 10–19, and a 36 per cent rise for ages 20–24²³.

These increases are significantly greater than those seen in individuals aged 25 and older. Overall, an estimated 11 per cent of 0–19 year olds were referred to secondary mental health services in 2022/2023, one of the highest rates in the south east region^{24,25}.

The proportion of children receiving support in school for a special educational need, with social, emotional and mental health identified as the primary need, has also been steadily rising in Oxfordshire and nationally, with growth in Oxfordshire outpacing the national trend.

Special educational needs are distinct from (although they can occur alongside) mental health problems. However, the number of children with special educational needs that impact their educational experience has also risen. The prevalence of autism among students known to schools is significantly higher in Oxfordshire compared to the national average.

In 2020, approximately 20 out of every 1,000 pupils in Oxfordshire were recorded as

having autism, a figure that has more than doubled since 2015²⁸. Though this should not be conflated with the rise in mental health problems, it is relevant to the discussion around diverse needs in education, as well as demand for services such as CAMHS and educational psychology.

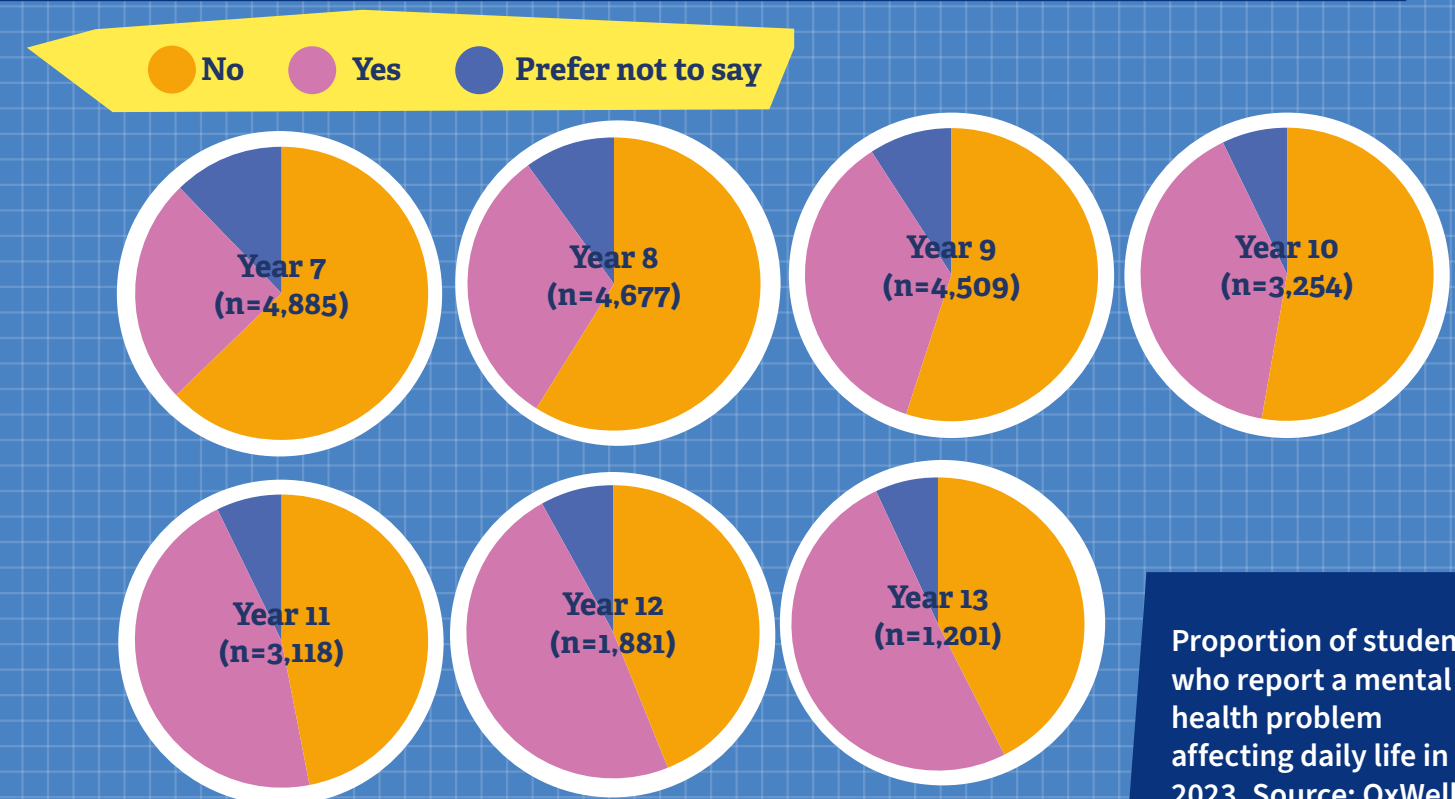
Within Oxfordshire, striking inequalities in mental health and wellbeing are evident.

Around a quarter of children aged 8–16 years with mental

health problems have a parent who is unable to afford out of school activities, compared with around 1 in 10 children who do not report mental health problems²⁹. More deprived areas such as Greater Leys have approximately 6.5 times the rate of self-harm as less deprived areas such as north central Oxford³⁰.

Student responses to mental health, self-harm, and mental health services questions

Have a mental health problem affecting daily life (n=23,525)



Proportion of students who report a mental health problem affecting daily life in 2023. Source: OxWell School Survey 2023.

In Oxfordshire, we have observed not only an increase in the number of children requiring specialist mental health support, but also a growing number of children and young people with mental health needs below the threshold for referral for clinical services.

Approximately 48 per cent of referrals to CAMHS were assessed as needing alternative support pathways rather

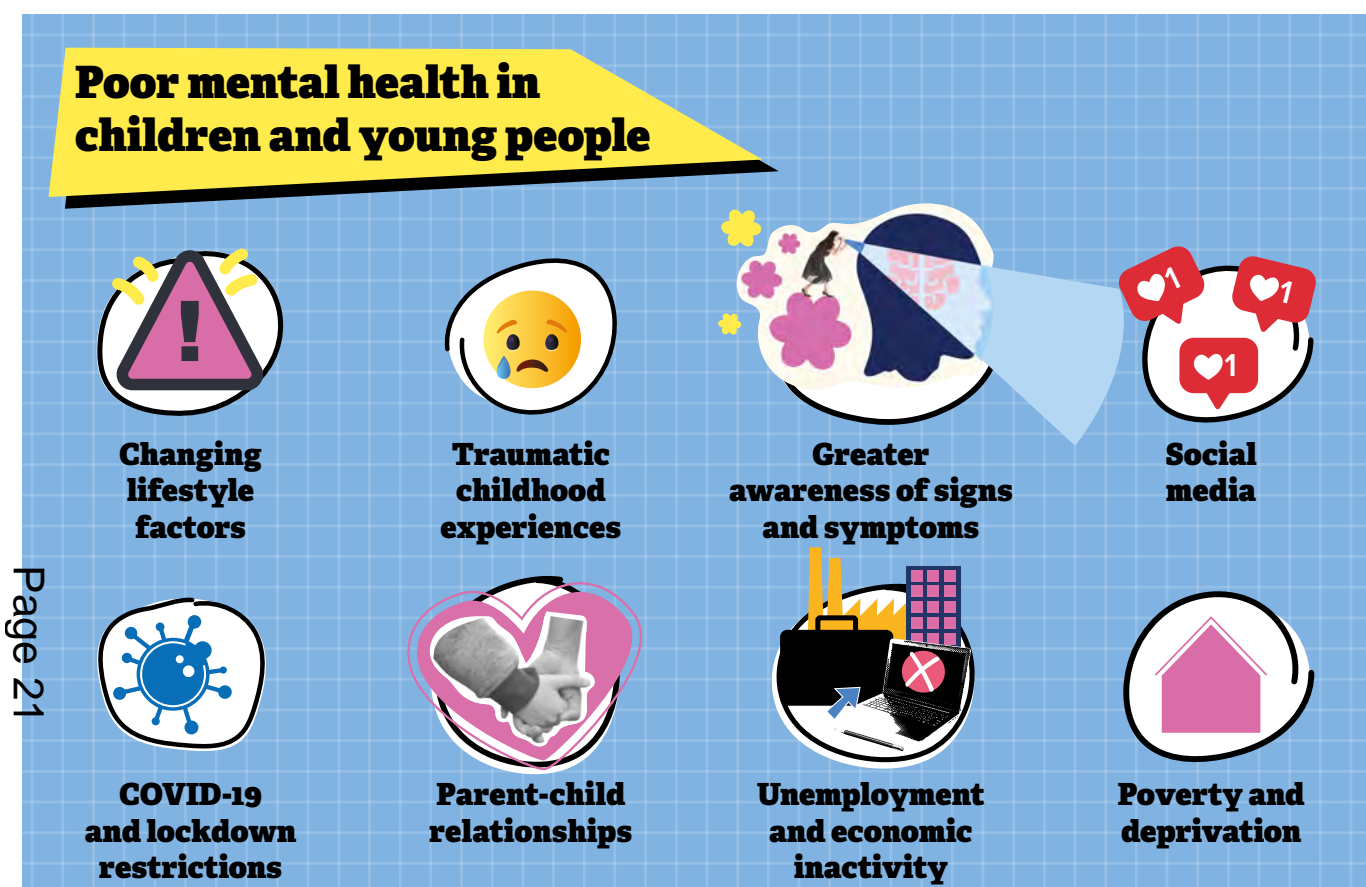
than specialist CAMHS care, suggesting a rising number of children who may be living with mild-to-moderate symptoms of mental health problems²⁶. This also suggests challenges in identifying appropriate alternative support for these young people from other relevant organisations in the county.

The 2023 OxWell School Survey provided deeper insights into the mental

health and wellbeing of children in Oxfordshire. A significant proportion of pupils reported that mental health problems impact their daily lives, including over half of pupils aged 17–18 years. Additionally, around one in five students reported feeling lonely and one in four reported often or always feeling sad or empty²⁷.

2.2 What could be behind the rise in mental health problems in Oxfordshire?

Due to the wide range of drivers that can affect and impact youth mental health, several factors are likely to have contributed to the rise in mental health problems in children and young people in Oxfordshire.



Page 21

Changing behaviours

Changing behaviours have played a key role in the worsening mental health in children and young people. Reduced levels of physical activity have been linked with mental health problems³¹. Recent survey data suggesting that children aged 11–16 with a likely mental health problem were more than four times more likely to not have exercised in the previous seven days than

children without a probable mental health problem³². Although Oxfordshire still has a higher proportion of children and young people who are physically active than nationally, this has declined since 2019³³.

As have rising costs of living especially in counties such as Oxfordshire, where the cost of housing is high relative to incomes. This has led to

changes in family dynamics with young people living with families for longer, which can impact on their lifestyles and their mental health.

Substance use also continues to an important contributor to mental health problems, with nearly half of young people starting substance use treatment reporting a co-existing mental health problem³⁴.

Traumatic childhood experiences

Stressful and traumatic events during childhood are strongly linked to mental health problems in childhood and later in life. An estimated three out of four adolescents who have experienced traumatic childhood experiences develop mental health problems by the age of 18³⁵. Prevention of these events remains a priority in Oxfordshire, where the number of domestic abuse crimes involving children in Oxfordshire has been increasing since 2012³⁶.

Better awareness of mental health problems in children and young people

Greater awareness of the symptoms suggestive of mental health problems in children has contributed to higher referral rates and demand for services.

A growing awareness of the support available and a reduction in the stigma attached to mental health support may also be contributing to the growth in people seeking help. This has also been seen in other areas, such as higher rates of referral for autism spectrum disorder and attention deficit hyperactivity disorder³⁷.

Social media

The growth of social media has helped children and young people to connect with others and develop relationships and communities. However, social media has also provided a platform for harmful content such as harassment and cyberbullying, which can have severe detrimental effects on a person's health and wellbeing and has been significantly linked with depression and anxiety³⁸. This is an important factor for Oxfordshire, where an estimated 37 per cent of children aged 8–18 years spend around four hours on social media each day³⁹.

COVID-19 pandemic and lockdown restrictions

A particularly important factor has been the consequences from lockdown restrictions during the COVID-19 pandemic – symptoms of social isolation, depression and post-traumatic stress disorder were found to have increased substantially during lockdown compared to before the pandemic⁴⁰. In particular, evidence has suggested that the pandemic was more likely to impact girls and young women, disadvantaged children and those with special educational needs and disabilities (SEND) requirements, contributing to the rise in mental health problems in these specific populations⁴¹.

Parent child relationships

There is a growing understanding of the importance of a strong parent-child relationship for the wellbeing of children. Factors such as family disruption, parenting distress, and the use of harsh discipline are linked with a greater risk of developing behavioural problems, whilst nurturing and responsive parenting are associated with better wellbeing during childhood⁴². Recent research has also highlighted that relationships, emotional wellbeing and development in the earliest years of life predict later learning, earning, emotional and social skills and mental and physical health⁴³.

Unemployment, poverty and deprivation

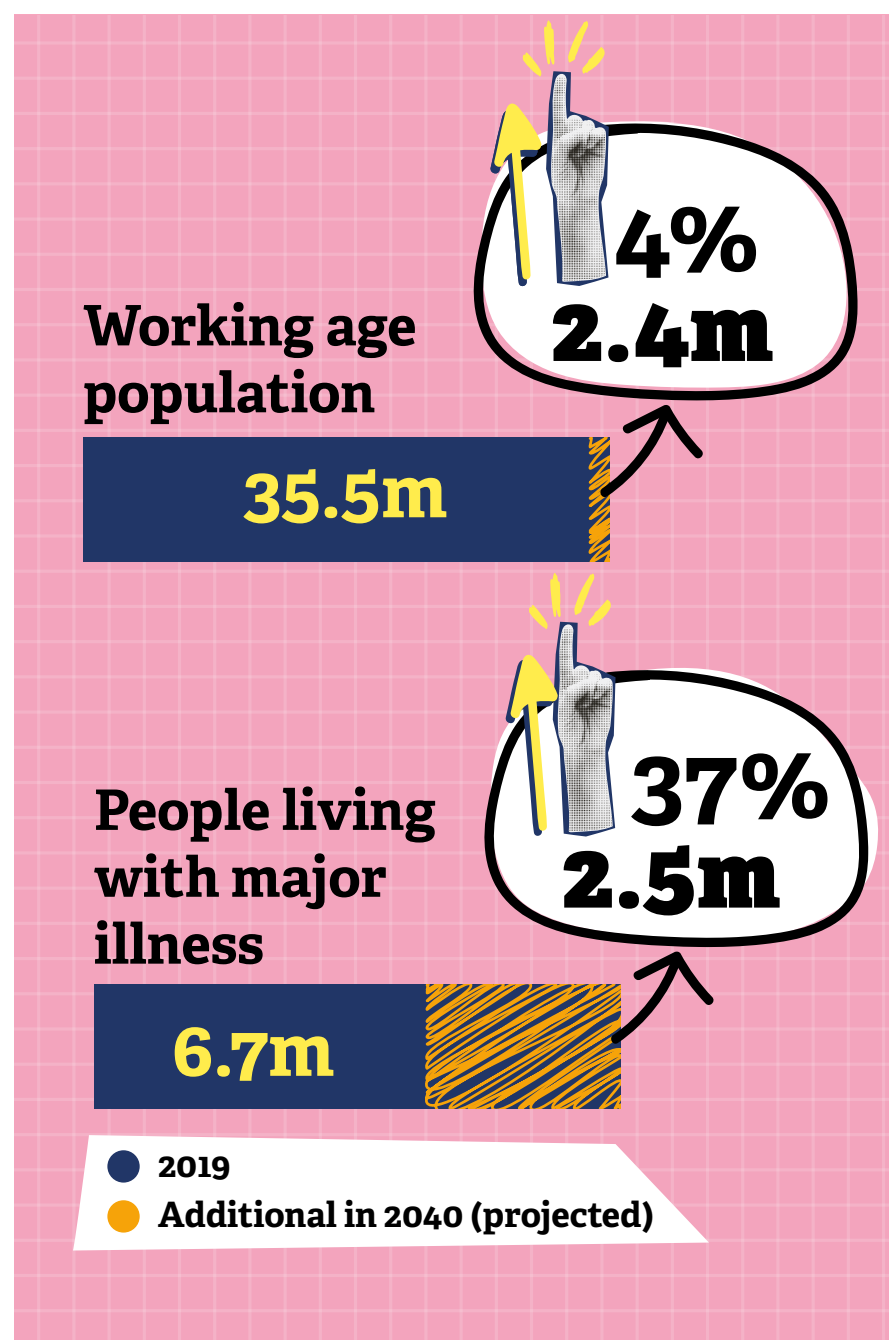
Unemployment can have a significant impact on young people's mental health, leading to challenges such as financial stress and social isolation. It can also lead to poverty and deprivation, which continue to be a significant area of concern for children and young people. The importance of this issue is explored in more detail in the next chapter.

3 Mental health and unemployment

3.0 Why is economic activity important for mental health?

Research has highlighted the harmful effects of unemployment on both physical and mental health⁴⁴. Being unemployed or working in poor-quality jobs can result in financial strain, increased stress, and a heightened risk of mental health problems such as depression. In turn, mental health problems can significantly impact a person's capacity to find and maintain employment⁴⁵.

Mental health among working age people is critical to economic growth. It is particularly important as an ageing population and rising levels of chronic conditions are forecast to increase the number of people living with illness by 37 per cent by 2040, a rise which will not be matched by the estimated 4 per cent growth in the working population⁴⁶.



Source: Health in 2040: projected patterns of illness in England - The Health Foundation.

3.1 What barriers prevent young people from being economically active?

The current generation of young people face several challenges to entering the employment market and remaining in education and training.

The transition into adulthood can be a highly stressful period of life, marked by challenges such as gaining independence, maintaining relationships, and managing finances, with support often being limited or difficult to access.

This has become more difficult in recent years due to a variety of factors including where salaries have failed to keep up with rising costs of areas such as groceries and housing⁴⁷.

Competition ratios for entry-level jobs, particularly for recent graduates, have also grown substantially in some sectors, making it more difficult for young people to find quality employment opportunities⁴⁸.

3/5

young people think that it has become more difficult to find a job than ten years ago

The **3 biggest barriers** to entering the workplace were:

- 1** lack of **skills or work experience**,
- 2** **low wages**,
- 3** and **lack of support** such as **reasonable adjustments**.

1/3

report a mental health problem

with nearly

9/10

believing it affects their ability to find work

Source: Youth employment outlook report 2024 – Youth Futures Foundation⁴⁹.

3.2 How does unemployment also act as a precursor to mental health problems?

Unemployment and lack of opportunities in education and training also drives poor mental health through several other mechanisms.

Intergenerational influence

Intergenerational influence refers to the impact that previous generations have on the children and young people of today, particularly on aspects such as behaviours, values, and socio-economic status.

Worklessness in the previous generation in a family can lead to financial strain, exposing children and young people to stressors such as inadequate housing and poor nutrition, as well as impacting on their expectations and aspirations.

The effect of intergenerational worklessness shows that children raised by parents who have been out of work were more likely to have poorer educational attainment and to not be in education, employment or training⁵⁰.

Deprivation and poverty

Unemployment can lead to deprivation and poverty, which has subsequent negative impacts on mental health. There is a strong association between poverty and domestic violence. While domestic violence affects all types of people, its occurrence is higher among those living in more deprived neighbourhoods, lower income households, and among those experiencing severe debt⁵¹.

It is also more difficult for individuals in more deprived areas to reach mental health support because there can be fewer services available, a stigma around poverty, and additional barriers such as lack of transport options.

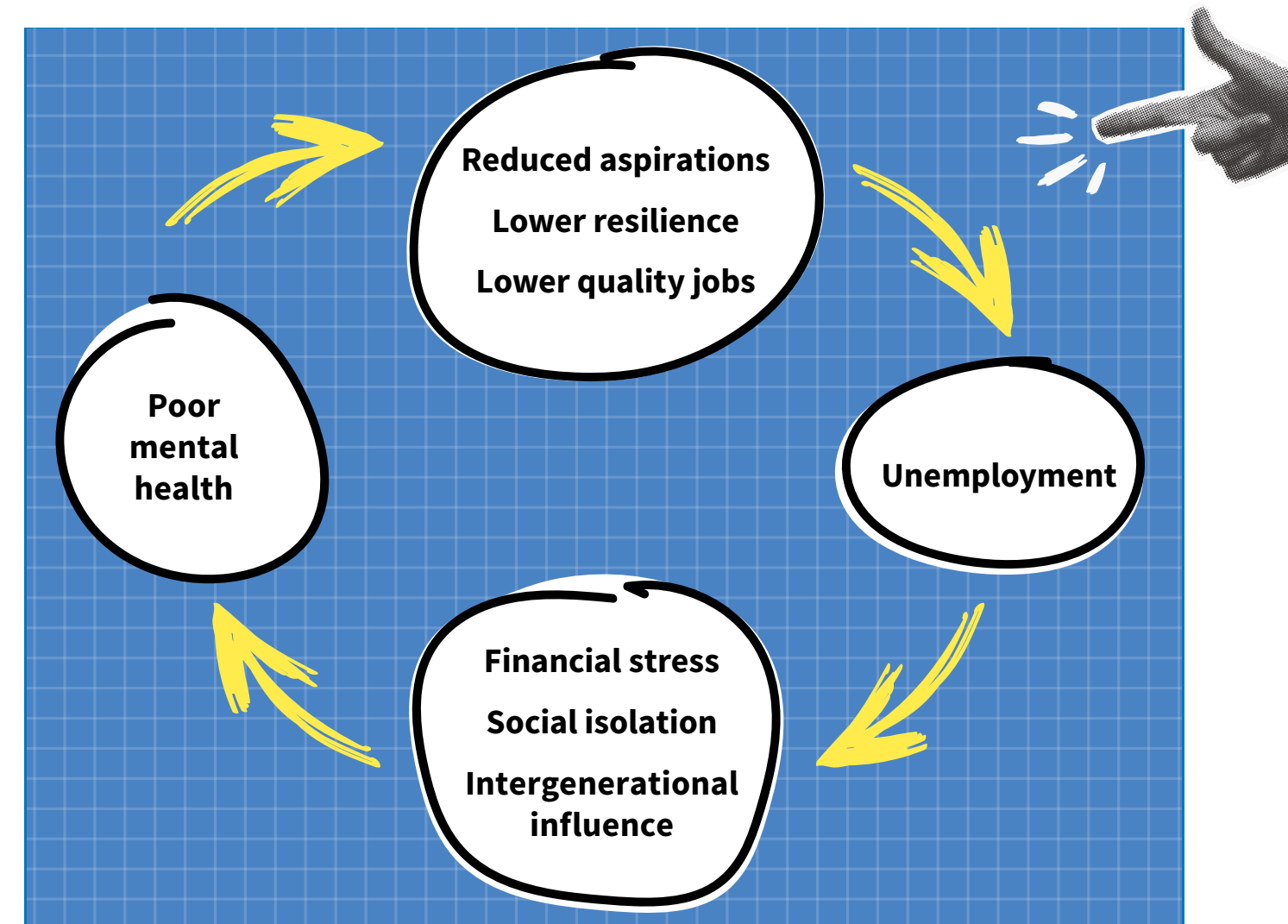
In Oxfordshire, areas with higher rates of deprivation and unemployment also tend to have higher rates of children and young people with mental health problems and higher rates of unemployment⁵².

Social isolation

Loneliness is a key risk factor linked with mental health problems in young people, with strong associations to depression and anxiety⁵³.

Being in employment, education and training can be protective through providing opportunities to socialise, interact and connect with others, and in many cases having access to employee or student support and wellbeing programmes.

Furthermore, unemployment is associated with societal stigma, making it more difficult for individuals to seek support from others as well as financial strain that may exclude them from social activities.



Negative cycle of unemployment and poor mental health.

3.3 How does poor mental health lead to unemployment or low-quality employment?

A recent report from The Health Foundation⁵⁴ outlines the link between mental health and economic activity and highlighted some particularly worrying trends in the 16–34 age group.

It discusses mental health problems which are ‘work-limiting’ (where it is the primary health condition, and it affects the amount or type of work an individual can do) alongside mental health problems which are ‘non-work-limiting’.

While both types have increased in frequency, the growth is larger in non-work-limiting mental health problems. The report discusses that their impact can be greatest among people with fewer qualifications further exacerbating inequalities.

Aspiration and resilience

Good mental health and wellbeing is important for fostering a person’s resilience, aspiration and ability to look forward to the future.

Symptoms associated with poor mental health such as lack of energy, negative self-esteem, and excessive anxiety, can make it challenging to maintain motivation and engagement during employment and training. This can be especially important when seeking work.

A survey carried out in England in 2023 found less than a third of young people aged 17–23 years with a mental health problem reported a positive outlook on their job prospects, whilst more than two-thirds without mental health problems are optimistic about their future⁵⁵.

Educational attainment

Mental health problems significantly impact educational opportunities for children and young people, negatively affecting attendance and being related to lower educational achievement⁵⁶.

In turn, this impacts future employment opportunities where lower qualifications are associated with lower wages and employment rates⁵⁷.

Furthermore, the negative impacts of both reduced educational achievement and mental health problems can compound, with 33 per cent of non-graduates with mental health problems reporting unemployment compared to 19 per cent of non-graduates without such problems⁵⁸.

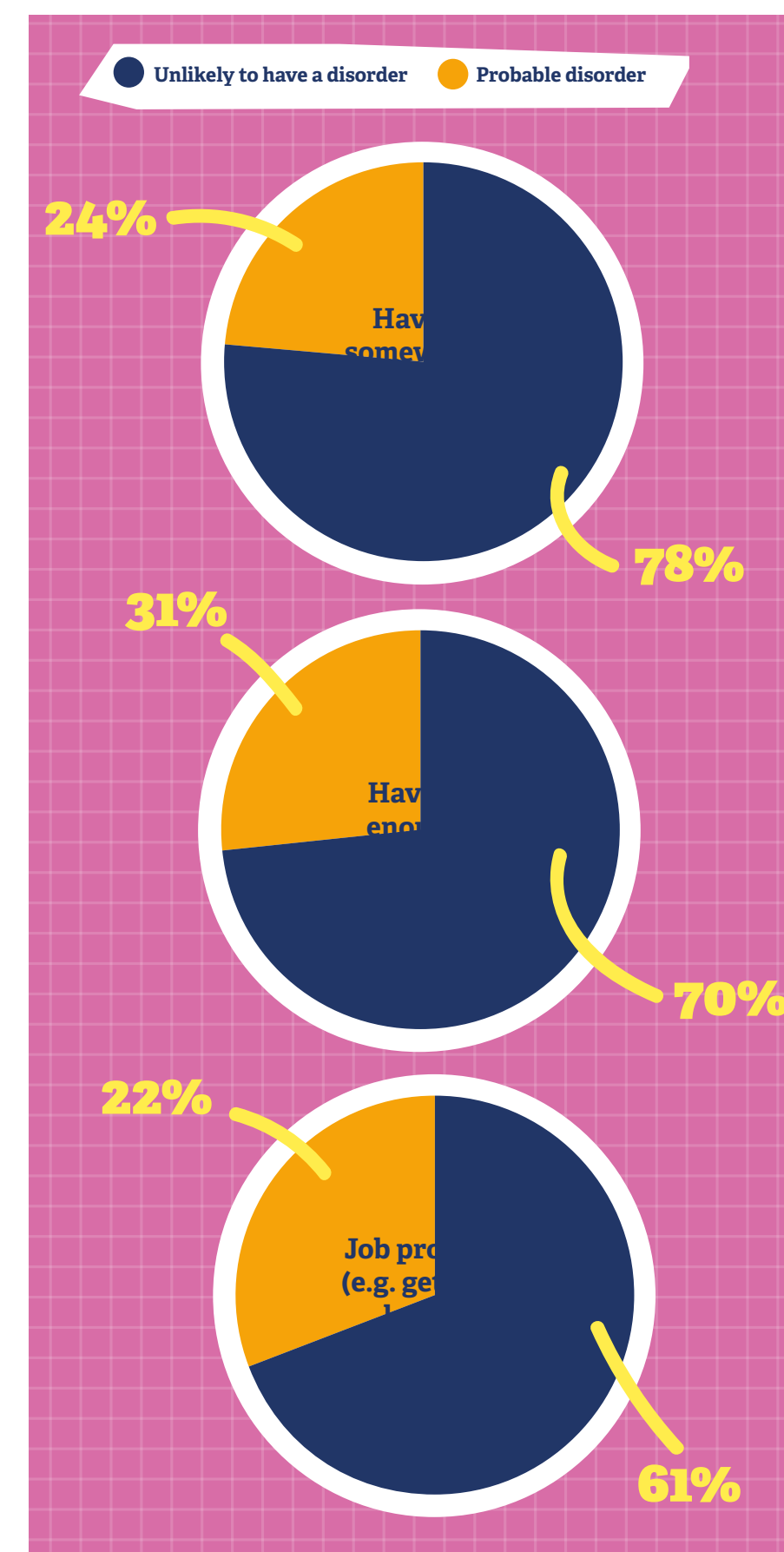
Quality of employment

The influence of mental health problems on aspiration, resilience and educational attainment, in addition to potential symptoms such as low energy, reduced concentration, and social anxiety can make it difficult to obtain and retain work.

This is particularly true of good quality jobs that are paid well, are secure and have regular hours⁵⁹. 40 per cent of employees aged 18–24 years with mental health problems were on low hourly pay, compared to 35 per cent of employees without mental health problems. Additionally, 11 per cent of employees aged 18–24 years with mental health problems were on zero hours contracts, compared with 6 per cent of their peers⁶⁰.

Mental health problems can lead to more time away from work and the need for part-time or flexible working arrangements, making it challenging to sustain employment.

As individuals aged between 18–24 years report greater stress-related impacts due to work compared to those aged 55 and over⁶¹, reasonable adjustments and workplace wellbeing is increasingly a priority.



Proportion of young people aged 17–23 years who feel optimistic about the future, by topic and mental health of young people.

Source: The Resolution Foundation⁶²

3.4 What are current trends in young people who are not in employment, education or training?

Overall, the percentage of young people in the United Kingdom aged 16–24 years who are not in education, employment or training (NEET) has decreased in the past decade, from 16 per cent of people aged 16–24 years in 2011 to 12 per cent in 2023⁶³.

However, the number of young people who are not working due to long term sickness has increased dramatically, almost

doubling from around 93,000 in 2013 to around 190,000 in 2023 with mental health problems being the most common reason^{64,65}.

In 2023, 45 per cent of young people out of work aged 18–24 years reported a mental health problem compared to only 27 per cent of young people in work, a difference that has widened since 2014⁶⁶.

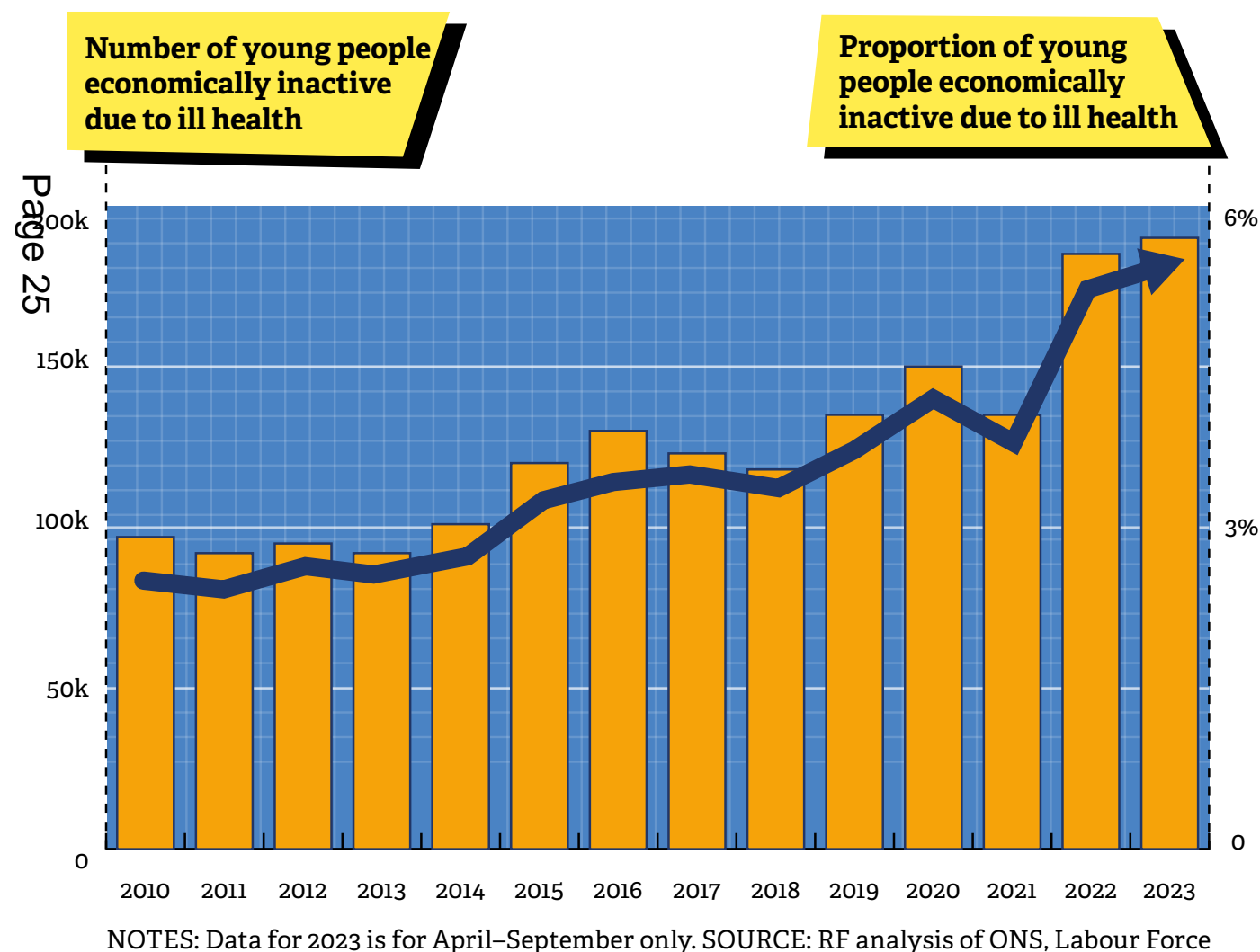
In Oxfordshire, the overall proportion of young people who are not in education, employment or training (NEET) is lower than other parts of England – around 4.4 per cent of 16–17 year olds in Oxfordshire were classified as NEET compared to 6.9 per cent regionally and 5.2 per cent nationally⁶⁷.

However, this has started to increase, and the number of students aged 16–18 who are NEET and reporting CAMHS input or mental health problems has risen since 2022.

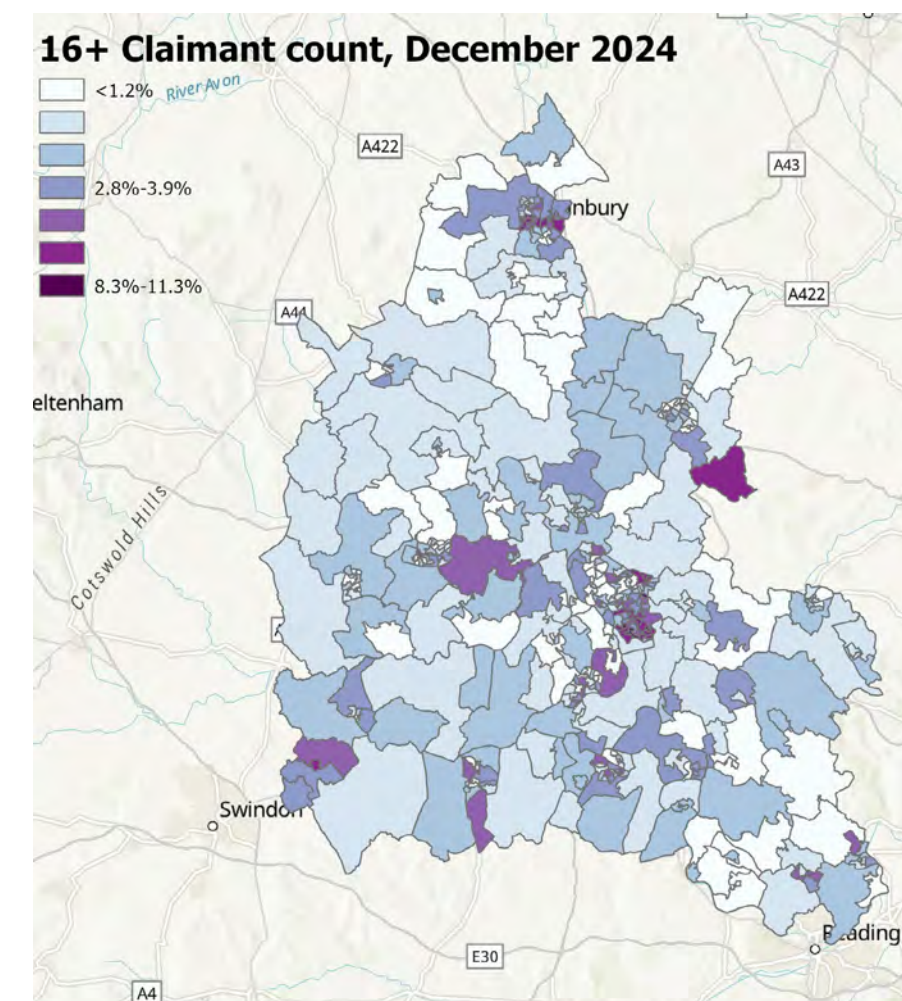
Although the proportion of individuals aged 16–24 years claiming unemployment in Oxfordshire is lower than the national average (3.6 per cent compared to 7.6 per cent), there remains significant differences in the proportion of unemployment between districts.

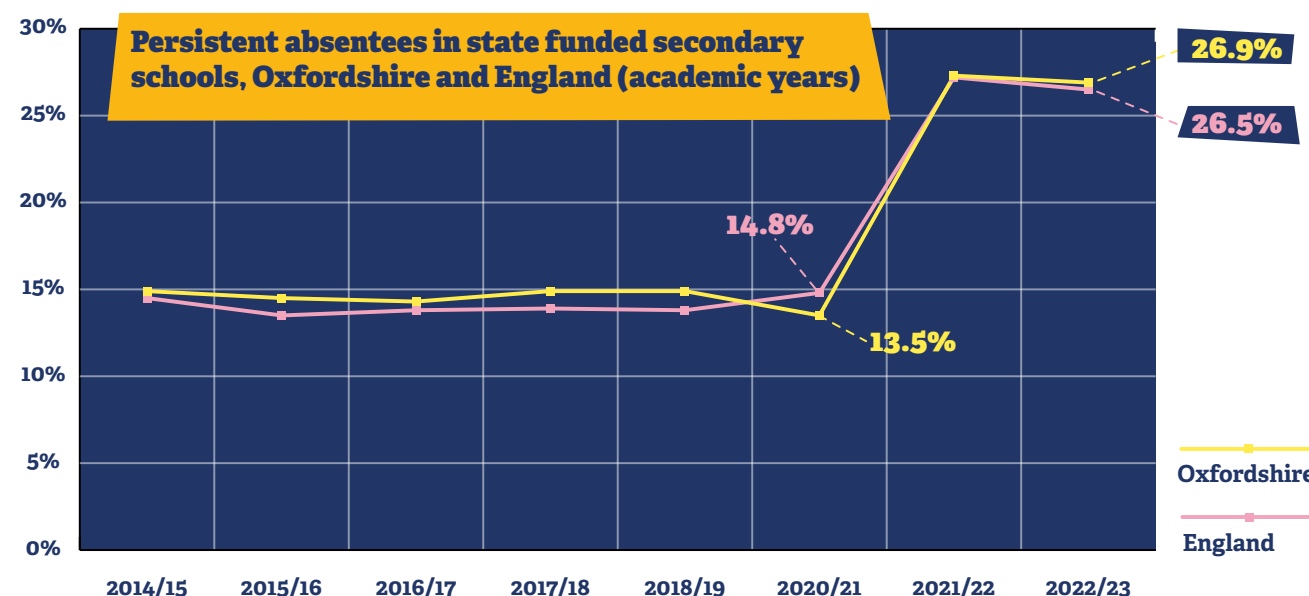
For example, the lowest rate in south Oxfordshire is at 1.8 per cent whilst the highest rate in Oxford city is at 5.2 per cent⁶⁸.

Inequalities are even greater when looking at some of the different communities in the county, with the number of claimants being much higher in more deprived areas such as Littlemore, compared to less deprived areas such as north Oxford⁶⁹.



Graph showing economic inactivity due to ill health in young people between 2010-2023 in the UK. Source: The Resolution Foundation.





Percentage of children who are persistently absent (missing 10 per cent or more sessions/7 days across a term) from secondary schools. Source: Oxfordshire County Council Data Hub

When it comes to education, an issue of growing concern for Oxfordshire is the increase in rates of persistent absenteeism at secondary schools. If a pupil is persistently absent it means they miss 10 per cent or more of possible sessions at school or miss seven days or more across a school term.

The persistent absence rates in secondary schools in Oxfordshire for academic year 2022 to 2023 was 26.9 per cent⁷⁰ or 10,177 pupils which was similar to England at 26.5 per cent.

For primary schools pupils in Oxfordshire, 14.6 per cent or 6,806 children were persistently absent compared to 16.2 per cent for England.

2022 data showed the educational attainment of disadvantaged young people in Oxfordshire at GCSE level and the A-level point score are below national averages⁷¹,

and below that of their peers in other areas considered 'statistical neighbours' to Oxfordshire.

The same report showed that Oxfordshire ranks in the lowest 25 per cent nationally for educational attainment for disadvantaged children in early years development, Key Stage 1, Key Stage 2, and Key stage 4.

The gap between this disadvantaged cohort and their peers is greater in Oxfordshire than nationally, with disadvantaged pupils achieving 27 per cent below their peers in Oxfordshire in Key Stage 1 compared with 17 per cent nationally. Nationally this gap is reducing, however in Oxfordshire it has widened from 20 per cent in 2019 to 27 per cent in 2022.

Diverse educational and vocational routes - including apprenticeships - are vital to ensuring that young people

have an accessible route to skilled employment. Oxfordshire has seen a slight decline in the number of people starting apprenticeships over the last 5 years, with a total of 3,640 in 2022/2023 compared to 3,771 in 2018/2019⁷². More encouragingly, the number of young people completing their apprenticeships has been gradually rising. Understanding the factors underpinning what makes an apprenticeship successful could provide insight into the training and employment landscape and suggest how apprenticeships can fit into a vision to fill our skills gaps in Oxfordshire.



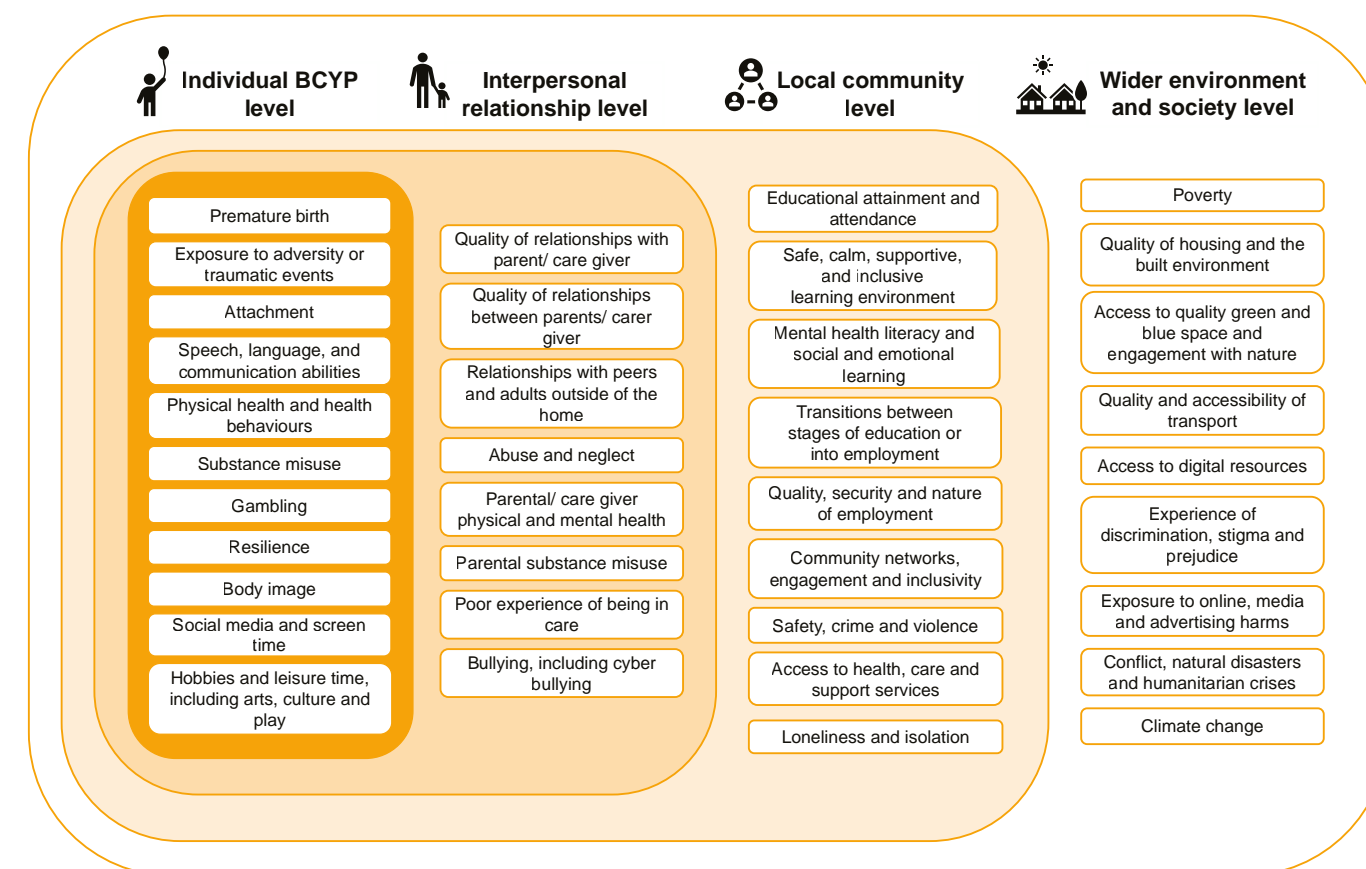
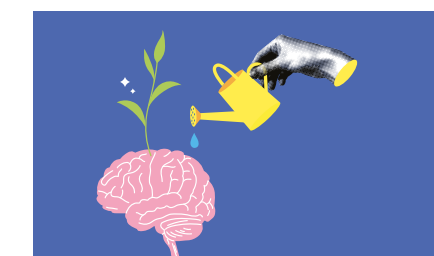
4 What do we know works?

4.0 What interventions can tackle mental health problems in children and young people?

As discussed in previous chapters, multiple factors including an individual's life circumstances, social

relationships, and broader environment can influence their overall mental health and wellbeing. This has been outlined by the Department of Health and Social Care's Improving the Mental Health of Babies, Children, and Young People framework published in 2024, which highlight factors that can be targeted to improve mental health and wellbeing throughout childhood at the individual level, the interpersonal relationship level, the local community level, and the wider environment and society level⁷³.

Research is underway investigating the diverse and wide-ranging interventions that could positively impact the lives of children and their families, particularly for those that are at greater risk of developing such issues. This section explores the growing evidence base behind such interventions.



Improving the Mental Health of Babies, Children and Young People framework. Source: UK Government.

4.1 What works for individuals and families?

At the individual level

Interventions focussing on individuals aim to strengthen resilience and reduce the impact of stressors that negatively affect mental health.

Psychosocial interventions such as social-emotional learning and cognitive behavioural therapy are commonly utilised for treatment of mental health problems such as anxiety and depression, and have been shown to be effective with both short and longer term benefits⁷⁴.

Community-provided cognitive behaviour therapy can be particularly helpful early in the development of mental health problems and for those below the threshold for referral for specialist mental health clinical services^{75,76}. Other approaches for children and young people who do not need specialist clinical support include initiatives that promote general wellbeing, such as sports, creative activities, supported access to nature, and participating in

community or social groups. These have been shown to have direct mental health benefits and can complement more traditional interventions. This can be especially beneficial for people who may experience barriers asking for or accessing traditional mental health support⁷⁷.

Interpersonal relationship level

Given the importance of family throughout childhood, strengthening family dynamics has been a key area of interest for interventions aimed at improving mental wellbeing of children. There is strong and consistent evidence supporting interventions that focus on building parenting skills and enhancing parent-child relationships through behaviour management techniques. Emerging research suggests that in some cases these can be effectively delivered using technology such as online platforms,

thereby improving accessibility for parents and carers⁷⁸. Evidence also supports interventions to improve the health and wellbeing of parents as a way to improving the mental wellbeing of their children⁷⁹.

Protection from bullying is also important to supporting mental health. This can include cyber bullying. Schools and families can have a role in this, and in cultivating opportunities for positive relationships with peers⁸⁰.

4.2 What works at the community and wider environment and society level?

Schools and communities

Community-level interventions highlight the role that neighbourhoods play in shaping the mental health and wellbeing of children. Key to this are schools, where providing programmes such as social and emotional learning has shown evidence for short-term benefits and some signs of longer-term impact⁸¹.

Interventions that are focussed on the school environment and incorporating a whole-school approach to mental health, such as cultivating an anti-bullying culture and a sense of community, have demonstrated potential benefits for overall student wellbeing within schools^{82,83}.

Additionally, access to nature and green space have been repeatedly shown to be beneficial to mental health as well as to learning. Initiatives such as Forest School have the potential to support mental health in young people through strengthening access to nature, and this is the subject of ongoing research⁸⁴.

Among local communities, it is widely acknowledged that strong community networks, a sense of belonging, access to social activities and to safe spaces to independently play and socialise can benefit and protect mental health⁸⁵.

Supporting local communities to grow and develop these assets is complex and requires a collaborative approach, centred on the communities themselves. Community safety, spaces, events and activities, as well as community-based services such as libraries, youth groups, and sports and leisure facilities all contribute to a thriving community. This, in turn, can increase a sense of belonging, safety and social cohesion with an associated reduced risk of mental health problems⁸⁶.

Place-based approaches (community led initiatives that target the specific circumstances of a place) have seen increasingly supportive evidence for improving mental health in children and young people⁸⁷. Known as 'healthy place shaping', this holistic view of local areas and communities and how they can influence the health of their residents can also support good mental health⁸⁸.

Environment and society level

The building blocks of health such as housing, poverty, deprivation, income, and access to greenspace are important factors in the mental health of children and young people⁸⁹, however evidence about what works to address these factors is still emerging. Initiatives that address poverty and income inequality have found small positive impacts on mental health through initiatives improving access to income support⁹⁰. As previously discussed, interventions to improve access to nature and green space can also be beneficial, although understanding the exact mechanism remains limited⁹¹.

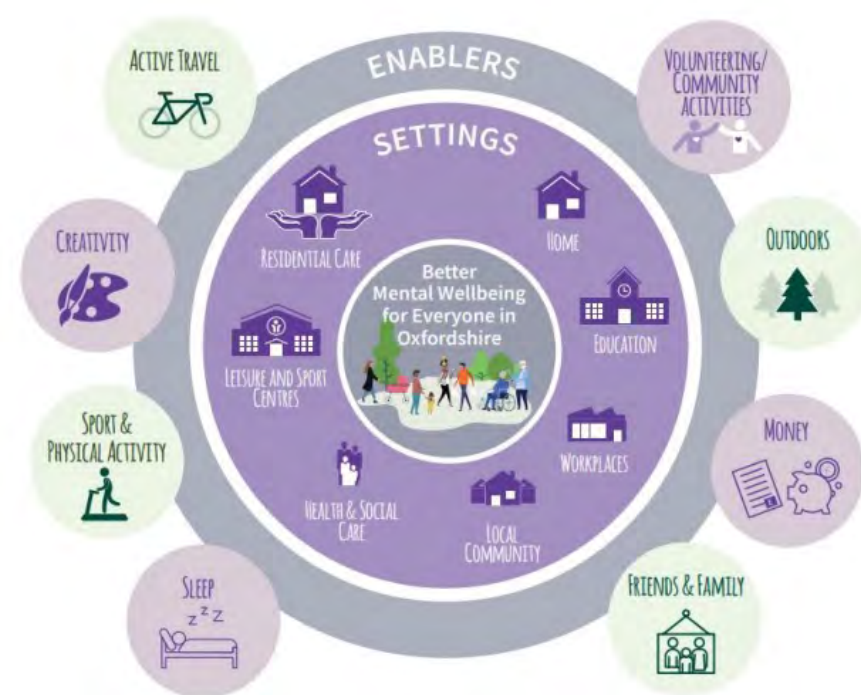
Economic environments should also be considered. The Organisation for Economic Cooperation and Development published recommendations in 2022 aimed at 'creating better opportunities for young people'. These emphasised the importance of fulfilling employment to mental health and life chances, and specified systems targets to build towards an inclusive economic environment, aiming to reduce inequalities and improve wellbeing through a productive, diverse and sustainable economy⁹².

5 What's happening in Oxfordshire?

5.0 What are we doing in Oxfordshire?

Organisations in Oxfordshire have been working together to improve health and wellbeing based on shared ambitions outlined in the Oxfordshire Mental Health Prevention Framework 2024–2027.

This section outlines just some of the initiatives implemented by employers, NHS organisations, local authority, district councils, voluntary organisations and others to promote and enable good mental health among children and young people in Oxfordshire.



Oxfordshire's Mental Health Prevention Framework 2024–2027

5.1 Actions at the individual level

Self-help services

Self-help services are essential in managing acute stress as well as offering longer term guidance for maintaining good mental health.

In Oxfordshire, there are various resources available that provide children and young people with easy, low-barrier access to support without the need for a referral.

Below are some examples of these services. As identified in the Oxfordshire Mental Health Prevention Framework, these are accessible through a 'no wrong door' single point of access approach.



Oxford Health NHS Foundation Trust Oxfordshire's 24/7 Mental Health Helpline

provides support for people of all ages experiencing a mental health crisis or emotional distress, with a specialised service for individuals under 25 years old.

It offers a range of support using trained mental health professionals, including immediate help and advice as well as signposting to additional services that are more suited to the individual's needs.



OXME.info

is a digital resource that provides an online central hub for information on health, lifestyle, and employment opportunities for young people in Oxfordshire.

It includes dedicated sections on wellbeing and offers detailed advice for individuals who are NEET.

Additionally, OXME.info has a presence on social media platforms, such as TikTok and Instagram, to further increase engagement and awareness.



Tellmi

is a free app that provides a safe and supportive space for young people aged 11–18 living in Oxfordshire to discuss issues affecting their mental health with others in the community.

It is fully anonymous and moderated, with additional support via professional counsellors available for individuals with more severe symptoms

Additionally, it has a detailed resource library with articles and information on mental health topics relevant to children and young people, with integrated access to over 700 vetted resources and support services.

Transition into young adulthood

To ease the transition into adulthood, Oxfordshire has implemented several targeted services to help young people navigate this period.



The Targeted Youth Support Service (TYSS)

by Oxfordshire Youth Council works with young people aged 11–18 (up to 25 with an Education, Health and Care Plan) across Oxfordshire to grow aspiration, develop resilience during challenging times, and reduce the risk of mental health problems. The service offers both group work and one-on-one support to address social and emotional needs, with an overall goal of helping young people transition into fully engaged, active adults who can make positive choices for their lives and communities. In 2024, over 120 young people received one to one support.

The Migrant Career & Employability Support Programme

is an initiative designed to provide targeted and specific career guidance to students from migrant families. It acknowledges the additional and unique challenges students from migrant families face and aims to supplement and enhance the support such individuals receive in schools. Typical services provided include career guidance workshop, mentorship opportunities, and work experience placements designed to the needs of the students.

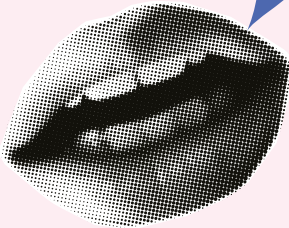
The Oxfordshire Supported Internship Programme

supports young people aged 16–24 with learning difficulties/disabilities with an Education, Health and Care Plan who need extra assistance with transitioning into employment. This one-year placement connects individuals with employers, providing them the opportunity to acquire essential skills and practical experience, with the goal of securing paid employment.

Delivered in partnership with local organisations like Activate Oxford and Abingdon and Witney College, the program focuses on work readiness and employability skills, as well as offering additional support for mentors and financial support for additional costs such as travel. In 2024, 52 per cent of individuals who completed the programme received an offer of employment following the end of their internship.

“It’s a great bridge between college and work and they make sure you aren’t thrown completely into the deep end. It has helped boost my confidence and I am sure it would help others as work can be seen as very scary. I feel it’s not as scary anymore, it’s getting better. I’m not completely thinking about it all the time anymore. It’s been a good experience overall.”

Experience of a local young intern



Case study from Oxfordshire Supported Internship Programme

Substance use issues

Substance use can be both a major contributing factor to, and consequence of, poor mental health.



Cranston’s Here4Youth

provides a specialised support service for children and young people aged between 8–25 years affected by their own or someone else’s substance use. A range of personalised services are provided including one-to-one support in safe spaces, education about alcohol and drugs, as well as the use of psychological therapies such as motivational interviewing. Additional support is provided to parents affected by such issues, with the Moving Parents & Children Together Programme providing a whole family-based approach to reducing the harms of substance use. Since April 2024, over 140 children and young people have been seen by the service, with over 550 intervention sessions delivered.

5.2 Actions at the interpersonal relationship level?

Interventions targeting families

Family interventions are essential in supporting disadvantaged children at risk of developing mental health issues, as well as their parents and carers.

Oxfordshire offers several initiatives designed to provide timely and appropriate support for these families. Below, we highlight some of the many available programs across the county.

Bounce Back 4 Kids (BB4K)

BB4K is a recovery service provided by Parent and Children Together for children who have witnessed or experienced domestic abuse, alongside their non-abusive parents.

The service aims to help families heal from trauma, focusing on safety, emotional readiness, and empowerment, typically through a 10-week program.

The service also offers a range of other support, including individual therapy, group interventions, and online resources.

BB4K also provides domestic abuse training for practitioners and access to a private online community for continued support.



The Oxford Parent-Infant Project (OXPIP)

Several organisations specifically target the earliest years and provide early and effective support for families.

The Oxford Parent-Infant Project (OXPIP) promotes and enables closer parent-child relationships through specialised therapy sessions designed for parents with infants up to the age of 2, with over 700 families supported in 2023.

Additionally, Home Start Oxford has provided 470 struggling families with emotional support, practical advice and guidance with accessing additional services.



The Growing Minds

programme is delivered in partnership between Peeple, Home Start Oxford and The Berin Centre focusing on school readiness and educational attainment in Oxfordshire through activities such as free books for children, group workshops to share practice advice, and individualised home support.



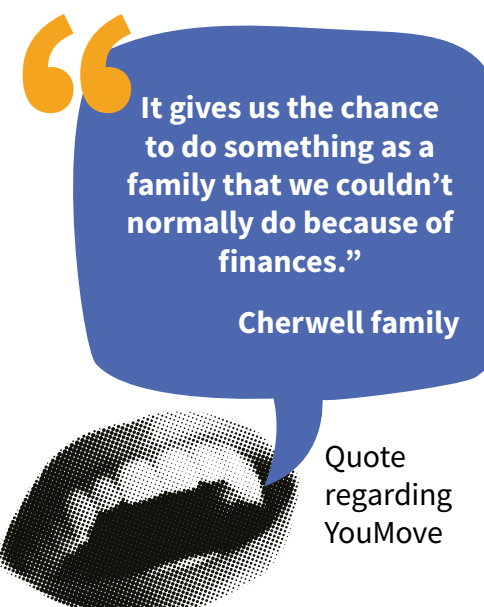
YouMove

is an activity programme providing low cost and free activities for local families in Oxfordshire.

So far, more than 2,700 families have been provided with access to a wide range of different activities such as swimming and badminton that are aimed at improving both the physical and mental wellbeing of families through promoting a more active lifestyle.

In addition, local YouMove Activators in each district of Oxfordshire provide local guidance and advice, particularly supporting disadvantaged families such as refugee families and those with SEND requirements.

From September 2024, the program has also expanded to include activities for children under 5 to encourage healthy and active habits from an early age.



Quote regarding YouMove



Children Heard and Seen

is a charity service dedicated to supporting children and families affected by parental imprisonment.

Established in 2014, it has worked alongside over 300 families and helped over 1,250 children with the negative impacts of parental incarceration, by using a child-centred approach to listen to and support the needs of the children.



Oxford Health NHS Foundation Trust

The Oxfordshire Parent Carers Forum webinars (delivered by CAMHS)

is a series of online sessions aimed at providing educational information to individuals and the wider public regarding all aspects of mental health for children and young people.

The webinars invite expert speakers to discuss changes in clinical practice, current research and up to date best practices in managing common mental health problems such as anxiety and depression.



Oxfordshire's ATTACH team

is composed of clinical psychologists, senior social care workers and educational psychologists which use attachment theory to provide specialised support to adoptive parents, special guardians and foster care families.

The team utilises a variety of evidence-based methods such as trauma focused cognitive behaviour therapy to help parents and carers build better relationships with their children and aims to reduce the risk of developing future mental health problems.

Mentoring services

Aside from parent child relationships, additional mentoring support can be crucial for inspiring young people to build aspiration and develop resilience.

Oxford Hub's Big Brothers Big Sisters mentoring initiative

aims to foster supportive, long-term relationships between volunteer mentors and children aged 7–11 years.

Launched in 2017, this programme pairs mentors with local children to help boost their self-esteem, provide guidance, and facilitate personal growth through various fun activities, with 86 children supported and over 800 outings within the 5 years of the programme's inception.

Mentors typically spend around four hours a week with their mentees, engaging in outings, assisting with homework, and introducing new interests.

Individuals have reported both positive short-term outcomes such as better self-esteem and confidence, as well as longer term outcomes such as greater resilience and determination.

5.3 Actions at the local community level

Communities play a vital role in the promotion of good mental health in children and young people.

Below, we highlight several examples from various sectors that demonstrate the positive impact that communities can have on mental wellbeing.

Services by Oxford Health NHS Foundation Trust



Oxford Health
NHS Foundation Trust

Oxford Link Programme

is a service established in 2022 that provides extra support to young people with high complex needs within Oxfordshire, often when routine services are finding it challenging to provide the appropriate help needed.

With over 280 individuals already supported, the multidisciplinary service collaborates with organisations across the sector and helps people access the care and

support they need by bridging the gap between individuals, their families and different agencies such as health and social care, youth justice, and educational institutions.

Additionally, the service has a strategic aim focussing on developing a cross-agency collaboration programme, identifying gaps in provision and acting as an information resource for allied professionals.



Oxford Health
NHS Foundation Trust

Children and Young People Healthy Child Programme

provides 11 integrated teams covering Oxfordshire, consisting of school nurses, health visitors, and family nurses who provide support for a range of health-related issues, including mental health.

More specifically, school and college nurses have responsibilities in identifying and helping children and young people at risk of developing mental health problems, as well as supporting transition into secondary school and adulthood. Family nurses provide additional support for first time mothers under 19 years of age, with a specialised pathway that prepares young parents for parenthood.

The School In-Reach Team

works with schools to provide students, parents/carers and staff with advice, training and education on common mental health problems such as anxiety.

It delivers a variety of workshops and group sessions that improve mental health literacy in schools, as well as signposting to other services and assisting with CAMHS referrals for individuals who require specialised support.

Parents are further supported via monthly webinars providing practical guidance and help on a variety of common children's mental health issues.

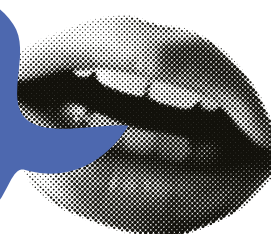
The Mental Health Support Team Programme

enhance the support already available in schools by offering specialised expertise and resources to deliver faster mental health assistance to individuals who may not meet CAMHS thresholds but would benefit from early evidence-based intervention.

This typically involves psychological therapies such as cognitive behaviour therapy and mindfulness sessions with a focus on supporting children and young people with common issues such as anxiety, behavioural difficulties, low mood, and phobias.



Excellent - child centred, holistic, trauma informed and knowledgeable approach that can only improve accountability and performance from other professionals and outcomes for young people."



Quote regarding Oxford Link

Services by the
voluntary sector

Oxfordshire Youth

is a leading youth charity that aims to enable best-practice youth work to be fully accessible to children and young people aged 8–25 years in the region.

The charity focuses on providing safe spaces, fostering strong and healthy relationships, and creating opportunities for young people to develop essential skills.

It has reached over 32,000 young people through their extensive network and programs.

Key initiatives of

Oxfordshire Youth include:

● Youth Voice Network:

This network promotes the lived experience and opinions of young adults, enabling young people to guide the charity’s work. Initiatives include the Oxfordshire Youth Podcast which explores a wide range of challenges that young people face, as well as the Mental Health Ambassador project which delivers a 10-month programme to build confidence, mental health resilience, and leadership skills.

● Supported housing:

Young People’s Supported Accommodation is a service that has supported around 130 young people aged 18–24 years, particularly care leavers or unaccompanied asylum seekers, with housing needs. Such work has been key in enabling such young people to live in appropriate housing and the opportunities to further develop their life skills.

● Support for third-sector organisations:

Oxfordshire Youth provide support for over 150 youth sector organisations through programmes, such as the Wellbeing Programme, that deliver skill-based sessions on managing complex issues, as well as mentoring and leadership training workshops to help develop future leaders in the youth sector. Organisations supported are then linked and connected through the Changemaker Network, allowing for greater collaboration between different sectors.

● Skills development:

Several development opportunities and programmes are offered to children and young people such as the Transition Through Leadership programme which has enabled over 70 children aged 11–13 years to develop leadership skills and self-confidence as they transition into secondary education.

● Connecting sectors:

In conjunction with Oxfordshire Mind, the annual Youth in Mind conference brings together individuals from all sectors focusing on the mental health and wellbeing of children and young people. In 2024, 16 workshops were delivered to share insights, discuss emerging issues and explore innovative approaches to improving the mental health of young people.



Oxfordshire Mind

is a voluntary organisation that collaborates with various sectors to promote mental health and wellbeing among children and young people.

A key initiative provided is the Children and Young People Supported Self-Help programme designed for young people aged 7–17 years to help manage mental health challenges through a six-week guided course based on cognitive behaviour therapy principles.

Delivered in 15 GP surgeries across five primary care networks in Oxfordshire, it has triaged and assessed over 1,280 young people across the county, with 73 per cent of those who completed the programme reporting improvements to their wellbeing.

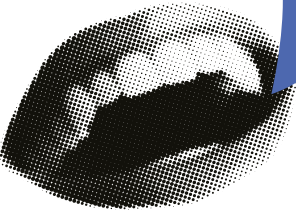
Additionally, Oxfordshire Mind provides specialised Youth Mental Health First Aid training sessions aimed at improving

the ability of individuals from a wide range of disciplines to spot, manage and support young people in mental health crises and at high risk of suicide, with over 50 people since June 2024.



Made me feel really comfortable from the beginning. Always listened and had nice general chats with me, the resources my CYP wellbeing worker provided were always helpful and relevant. It helped when we did them together and my wellbeing worker always felt she understood me.”

Young Person



Oxfordshire Mind’s Children and Young People Supported Self-Help Programme Feedback

SOFEA (Social Opportunities For Education and Action)

is a charitable organisation established in 2014 that works to transform the lives of vulnerable young people in Oxfordshire by providing educational, employability and wellbeing programmes.

They provide tailored support programmes such as the Powerhouse Pathway to help connect local young people in Didcot with local employers, as well as promoting mental health through wellbeing programs and outreach services such as the Transitional Support Programme which offers one-to-one mentoring to 11–16 year olds.

By 2022-2023, SOFEA supported over 500 young people, with a significant improvement in overall mental wellbeing from young people participating in their programmes.

Banbury Young Homelessness Project (BYHP)

is a charity based in north Oxfordshire that is part of the Youth Access Network and provides young people struggling with information, counselling and advice services.

Interventions include 1-to-1 therapy sessions to tackle common mental health issues, as well as mentoring and coaching sessions for individuals who are NEET.

SAFE!

is an independent charity in the Thames Valley region that supports young people aged 5–18 (up to 25 for those with additional needs) who have been impacted by crime.

Since its founding in 2008, SAFE! Has helped young people rebuild confidence and quality of life through services such as the Support After Crime Service, which offers one-to-one and group sessions for individuals who have witnessed or been a victim of abuse.

School based approaches



The Early Years toolkit

Promoting good mental health remains a primary strategic goal for Oxfordshire schools.

The Early Years toolkit developed by Oxfordshire County Council, supports a whole-school approach to wellbeing and includes 31 core building blocks which include fostering effective leadership, enhancing engagement and learning strategies, and providing training and support for staff.

Training Senior Mental Health leads

As of August 2024, 69 per cent of all Oxfordshire schools have taken up national grants to train senior mental health leads in order to provide better oversight and strategic leadership on a whole-school approach to mental health and wellbeing.

Nurture Group Practitioners

support students with social, emotional, and behavioural difficulties through short-term interventions that have a holistic approach, combining academic teaching with developing social skills, confidence-building, and self-respect.



The Oxfordshire Virtual School

is an educational service that supports over 500 children and young people in the care system and provides educational programmes to suit their needs.

It aims to reduce the attainment gap is decreased, by working alongside schools and carers to provide specific education support such as personal education plans and additional academic tutoring.

Services in higher education



Mental health support services in universities

Both Oxford University and Oxford Brookes University provide a comprehensive range of mental health support services to support students facing mental health difficulties and to help them achieve their academic and personal goals.

Such services include dedicated welfare teams, confidential counselling sessions, wellbeing drop-in sessions, and access to online resources such as self-help advice.



The Oxfordshire Recovery College

offers a unique educational approach to mental health recovery for anyone over 16, focusing on co-production and shared learning by involving individuals with lived experiences to co-design and co-facilitate courses with trained professionals.

It provides free courses aimed at empowering individuals by enhancing their knowledge and skills related to mental health and wellbeing, with targeted courses for young adults aged 16–25.

5.4 Actions at the broader environment and society level

Marmot Place partners from across Oxfordshire have committed to work together to develop the county as a “Marmot Place”.

At its heart, this work involves working together to address the underpinning social determinants, or building blocks, of health that drive much of the poor health and health inequality we see in Oxfordshire. System partners have agreed to focus on three key areas.

The first of these principles is “Give every child the best start in life” and good mental wellbeing is fundamental to achieving this. As already identified in this report the prevalence of poor mental health in children and young people in Oxfordshire is not equally distributed but clustered in certain communities and population cohorts.

The Marmot approach will help tackle these inequalities through partners working more closely together on the issues that cause these mental health inequalities.

The second priority principle is “Create fair employment and good work for all” and the third priority “Ensure a healthy standard of living for all”

Oxfordshire is prioritising children and young people’s mental health through the Oxfordshire Children and Young People’s Plan 2024–2028 and the Oxfordshire Health and Wellbeing Strategy 2024–2030.

Economic policy

The Oxfordshire Future Generations initiative

a part of the Future Oxfordshire Partnership, focuses on creating a sustainable and thriving future for the region for generations to come. It serves as a long-term strategic goal to address social, environmental, and economic challenges through collaborative efforts to enhance future health and wellbeing.

This strategy aligns with Oxfordshire’s vision of building healthier, fairer, and more resilient communities, ensuring a better quality of life for both current and future generations.



The Oxfordshire Local Enterprise Partnership (OxLEP)

plays a crucial role in addressing barriers to education, training, and employment to have a sustainable and inclusive economy in Oxfordshire. By collaborating with various stakeholders such as local schools, businesses, and training providers, they provide career guidance and employability training to young people, particularly those impacted by unemployment or who are not in education or training.

For example, the Social Contract Programme is a £1.7m initiative that specifically supports vulnerable groups impacted by COVID-19 by developing key skills and providing mentoring services and apprenticeships.

Furthermore, OxLEP provides resilience-building activities which support mental health and personal development.

Environment and culture



The Oxfordshire Local Nature Partnership (OLNP)

plays a vital role in promoting mental health and wellbeing through nature-based initiatives in Oxfordshire.

The partnership collaborates with various stakeholders and local organisations to enhance community engagement with the environment, such as improving access to greenspaces.

Key initiatives of the approach include Green Social Prescribing which involves enabling individuals facing mental health problems to access and connect with the environment through community-based activities in nature. Such activities include group gardening, walking groups, and other outdoor engagements that support physical and mental wellbeing.

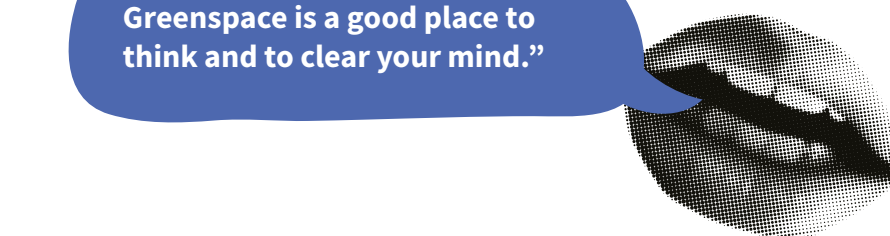
The partnership also has a role in fostering community networks and supporting local group initiatives to combat feelings of loneliness and isolation.

Case study of Greenspace & Us⁹³

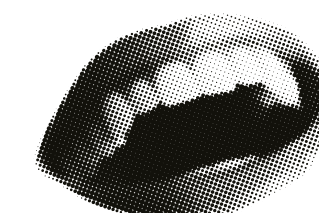
Greenspace & Us is a community insights partnership project that aimed to understand the barriers and enablers impacting access to greenspace for young women in East Oxford.

A focus was placed on examining the potential wellbeing benefits of greenspace and nature for young people in Oxfordshire, with respondents reporting the following:

“Greenspace is a good place to think and to clear your mind.”



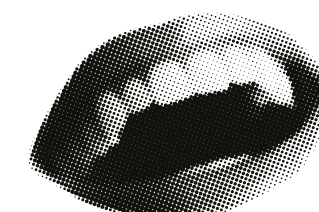
“It could be a place where when you’re feeling upset or angry it’s a good place to think or let out your emotions.”



“We will get calm at the local greenspaces.”



“Greenspace is a place to play without boundaries.”



Priorities resulting from the project included providing a greater range of activities that integrate greenspaces, creating inclusive and safe environments, and empowering and supporting young women to connect with nature.

The Oxfordshire Libraries and Museums service

promotes arts, culture and history in Oxfordshire.

It has a focus on improving mental wellbeing and health through workshops and activities that engage children and young people to connect and reflect on their culture and experiences.

Additionally, volunteering opportunities at local museum services have been provided to young people to help develop their workplace skills and resilience.



The museum is able to provide something truly special for my son and me. It gives us encouragement, inclusion and the patience he needs. There is a wonderful person there, leading the archaeology team.

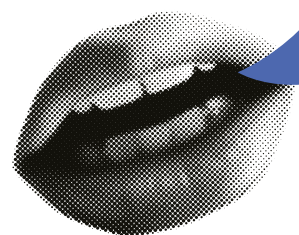
I watched the first meeting of my son and her and felt my shoulders relax as I could see she 'got it' and that this was a place I could leave my son.

It gives him some space and independence. Somewhere he can calmly and quietly contribute, be appreciated and understood.

Long periods of illness mean that he often misses going and the manager of the team keeps in touch with us via WhatsApp. This means so much, because illness can be so isolating and being given the opportunity to be part of something he is interested in means a great deal.

I would like to take this opportunity to thank the museum staff for all they do for us."

Case study of a young adult with mental health problems volunteering with the museum service, reported by the parent.



Community safety

Community safety is an important aspect of enabling children and young people to feel comfortable in their community and access local activities and resources.



The Safer Oxfordshire Partnership

acts as a strategic board that comprises of representatives from public health, youth justice and exploitation services, and police services to help shape and deliver

the community safety agenda. Initiatives include bespoke substance misuse and exploitation workshops to school aged children, as well as the development of a multi-agency place-based Community Safety Framework for addressing crime and anti-social behaviour in the region.

Transport

The Oxfordshire Bus Service Improvement Plan

aims to improve access to key services, including mental health support, by making buses a more accessible, affordable, and sustainable transportation option. Since 2021, over £8m has been allocated to the initiative, with the addition of 25 new bus routes. The plan also promotes affordable fares, including £1 fares on Sundays in December 2024. Additionally, over £100,000 is being invested to explore ways to improve travel options for work-related journeys, aiming to reduce barriers that prevent access to employment.

Research and academia

To deepen our understanding of how broader factors influence the mental health of children and young people, several research initiatives are currently underway to explore the local impact of these determinants.



The Flourishing and Wellbeing Programme

in Oxfordshire is a research initiative led by the Oxford Health Biomedical Research Centre and funded by the National Institute for Health

Research. Its primary focus is on developing evidence-based strategies and interventions to promote mental health and wellbeing for both patients and the public, using local infrastructure and resources in Oxfordshire. One example of such workstreams is Living Laboratories, where community resources like Oxford Botanical Garden and Harcourt Arboretum are used to investigate the best ways to improve individuals' mental health and wellbeing.



The OxWell Survey

is an initiative between Oxford University's psychiatric department, the NHS, schools and local authorities to undertake a large scale survey of the mental health and wellbeing of school aged children and young people. As well as academic research, the team report the anonymous survey results to schools and local authorities, enabling them to use the information to identify and address wellbeing needs.

Optimising cultural Experiences for mental health in underrepresented young people onLiNe (ORIGIN)

is a research programme led by the University of Oxford and in collaboration with several

NHS trusts, museums, and charity partners. This research study aims to investigate the impacts of co-designed online arts and culture intervention aimed at reducing anxiety and depression in 16–24 year olds. It particularly focuses on community engagement and collaboration, for young people facing challenges such as being a disadvantaged background, unemployment or from minority ethnic backgrounds. The effectiveness of such an intervention will be investigated in around 15,000 young people from all types of backgrounds.



Oxfordshire's Educational Psychology Service

works with children and young people facing difficulties and helps the individuals achieve the best possible outcomes at school using evidence-based psychological interventions.

Additionally, the Emotional Literacy Support Assistants (ELSA) training program has developed practitioners that provide tailored low-level interventions for pupils that help them to understand and manage difficult emotions, whilst building resilience.

6 Recommendations

6.0 Introduction

This report has highlighted the importance of children and young people’s mental health - not only for the physical and psychological health of future generations, but also for the broader benefits to society. We showcase just some of the wide range of initiatives, actions, and policies in Oxfordshire that contribute to supporting mental wellbeing and preventing mental health problems, emphasising the shared role that everyone can play.

Nonetheless, there remains much to be done. This report has four key recommendations for ensuring the mental health of our children and young people is effectively supported for years to come. We also highlight actions that can be taken at the individual, interpersonal relationship, local community, and wider environment and society level to support progress in promoting better mental health among children and young people in Oxfordshire.

6.1 Key recommendations

1. Strive to reduce mental health problems by addressing wider factors

Mental health problems are closely linked to the building blocks of health such as deprivation, income, housing, and access to green spaces.

In Oxfordshire, this is reflected in the varying rates of mental health problems across the county, which align with differences in deprivation.

By collaborating with system partners, we can address these building blocks to create conditions that can prevent mental health problems arising and give us the best opportunity to improve mental health outcomes in the county.

The success of this endeavour will hinge on meaningful partnerships and collaboration with the NHS, county and district councils, universities, businesses, educational institutions, and the voluntary sector.

Wider environment and society

Organisations across Oxfordshire are collaborating with the University College London, Institute of Health Equity on a Marmot Place project to address health inequalities in local communities.

Community

There is an increasing emphasis on empowering and supporting local communities to develop and maintain what is important and beneficial to them. Strengthening communities can lead to more opportunities for community events and regular activities, providing children and young people with a sense of belonging. These mechanisms have been shown to support good mental health. This report recommends prioritising work with local organisations such as community action groups, parish councils, schools and faith organisations.

2. Prioritise opportunity, activity, independence, and community

Evidence in this report raises concerns around increasing isolation, reductions in physical activity, and excessive time spent on social media as contextual factors in the rise of mental health problems. Yet taking part in social activities including community-based arts and sporting clubs, and unstructured outdoor activity and play can be protective for mental health and wellbeing.

Young people are often dependent on adult family members for funds, transport, and organising activities outside the home. Prioritising public and active transport solutions and safe community spaces can help young people have safe places to socialise outside of the home, and provide opportunities for independent travel for social, education or economic purposes.

Wider environment and society

Improving access to safe, inclusive spaces by addressing barriers such as transport links and ensuring that greenspaces and outdoor activities are available to all.

Community

Provision of community hubs, family hubs and outdoor recreation and socialising spaces which are accessible for families, will enrich the choices available to families in terms of social and cultural opportunities.

Strengthening our youth communities and increasing access to group activities, such as after school clubs, that build resilience, set habits for greater independence in young adulthood, and tackle social isolation.

Individual

Targeted schemes for young people to reduce barriers to accessing activities, social or economic opportunities should be prioritised. This may include free or subsidised bus travel, provision of cycling equipment or secure storage for cycles, and the provision (and targeting) of subsidised or free activities. A partnership approach should be taken to ensure that these measures can reach their intended audience.

3. Prioritising early and effective intervention

By providing timely, appropriate, and evidence-based family and individual support, we can address challenges before they escalate and when it is often at its most effective in fostering positive mental health and wellbeing.

This can reduce the risk of developing more severe consequences of poor mental health in the future.

Wider environment and society

Fostering collaboration between academic institutions and various sectors to advance research and the evidence base on interventions that address the root causes of mental health problems among children and young people.

Community

Developing and empowering senior mental health leads at schools to ensure delivery of early and effective support and intervention.

Interpersonal relationships

Improving mental health skills training, such as mental health first aid training, for parents, caregivers, and professionals working with young people. Provide pathways for struggling families to access early support through initiatives like family hubs and parenting programmes.

Individual

Increasing awareness of the signs and symptoms of mental health problems among children through universal health and wellbeing promotion. Expand mental health support options, including using digital platforms, to improve access for all individuals who needs it.

4. Ensuring diverse career and training opportunities are available for all young people

By offering a greater range of alternative training and career pathways such as apprenticeships, we can help young people identify and pursue goals and aspirations that align with their interests. This is crucial in empowering young people and equipping them with the tools to succeed both personally and professionally over the long term.

Wider environmental and social

Prioritising mental health and workplace wellbeing to ensure everyone has access to quality education, employment, entrepreneurship opportunities and financial resources.

Community

Partnering with local businesses to increase the range of employment opportunities available for young people, including apprenticeships and supported placements for those with mental health problems.

Interpersonal

Providing mentorship programs to engage children and young people, especially those without strong family support networks, to foster resilience and aspirations.

Individual

Ensuring mental health support and career advice is available throughout childhood, with a particular focus during transition periods, to prevent individuals from falling through the cracks.

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Divisions- N/A

COUNTY COUNCIL – 1 April 2025

REPORT OF THE CABINET

Cabinet Member: Leader

1. Response to Government Consultation on Remote Attendance and Proxy Voting at Council Meetings

(Cabinet: 17 December 2024)

Cabinet considered a report proposing a response to the Government's consultation on enabling remote attendance, remote and hybrid meetings as well as proxy voting at Council meetings.

Cabinet approved the recommended response to the consultation stating that there should be no limitations placed upon councils with regard to setting arrangements for remote attendance of council meetings, up to and including full remote attendance but did not support any introduction of proxy voting.

2. Devolution White Paper and Response

(Cabinet: 9 January 2025)

Cabinet had before it a report setting out a proposed response to the Government's Devolution White Paper published on Monday 16 December 2024.

The White Paper set out the most significant reforms to local government since the Local Government Act 1972. A significant element of the Paper progressed the English devolution agenda which commenced in 2009, providing powers to create Combined Authorities that would enable Councils to collaborate more formally to accelerate inclusive and sustainable economic growth

Cabinet agreed the proposed response to the Government including a request that Government places Oxfordshire into a 'fast track' programme to progress local government reorganisation ambitions first and continue to work with partners on a future Mayoral Strategic Authority. Members also agreed to express to Government the County Council's significant concerns in postponing ordinary elections in 2025, but that it would accept a postponement if it could commit to the most ambitious timescale of elections to a new shadow Council/Councils in May 2026.

3. Citizens' Assembly Update

(Cabinet: 21 January 2025)

Cabinet received a report providing an update on the citizens' assembly on future travel, transport and connectivity in Oxfordshire to be delivered by external agency MutualGain in February and March 2025.

Following the motion agreed at Full Council on 10 December 2024 the assembly will be extended from 30 to 45 hours to enable a dedicated focus to be given, within the wider assembly, to the council's suite of traffic management measures in central Oxfordshire, including the traffic filters trial, the workplace parking levy, and the expanded zero emissions zone

4. Cabinet response to motion on changes to inheritance tax and other farming matters

(Cabinet: 21 January 2025)

Cabinet had before it a report which addressed the motion agreed by Council on 10 December 2024 that related to the impact on farm businesses and farming families of measures announced in the autumn statement of 30 October 2024. The report summarised the council's existing and emerging policy and programme support to rural businesses and set out how the council's approach will address the issues raised in the motion that are within the influence of the County Council.

Cabinet noted the council's current and planned policy and programme activity in support of the rural economy and how the council's approach will address the issues raised by the motion on Farming passed by Council on 10 December 2024.

5. Affiliation between Oxfordshire County Council and HMS Diamond

(Cabinet: 21 January 2025)

Cabinet approved by an affiliation between Oxfordshire and His Majesty's Ship (HMS) Diamond following an approach by the Royal Navy. The proposed affiliation aimed to strengthen the bond and support between the Royal Navy and the local community in Oxfordshire by raising awareness of the Royal Navy and specifically of HMS Diamond.

Cabinet Member: Deputy Leader with Responsibility for Climate Change, Environment and Future Generations

6. Beyond Net Zero - Growing the Market for Carbon Dioxide Removals

(Cabinet: 17 December 2024)

Professor Steve Smith from the University of Oxford addressed the Cabinet, emphasising the importance of carbon dioxide removal methods as part of the council's climate ambitions.

Cabinet noted the underdevelopment of the market for Carbon Dioxide Removal (CDR) technologies, and the risk this created for meeting net zero. Members supported the recommendations to scale the market for CDRs through the council's policy making and partnership activity, growing both the supply and demand side of the market, and, subject to funding committed to go 'Beyond Net Zero' - extending the council's current carbon neutral target for the council's own estate emissions to be 'beyond zero', with a target figure to be agreed at a later date

7. Warm Homes: Local Grant Capital Retrofit Programme

(Cabinet: 21 January 2025)

Cabinet received a report regarding a funding application had been submitted to the Warm Homes: Local Grant through Department for Energy Security & Net Zero. The bid supported the Council's climate action and health agendas and followed on from a range of retrofit programmes delivered to low-income households in fuel poverty. This was a three-year scheme currently and may be extended to up to five years, subject to approval at the spending review.

8. Local Flood Risk Management Strategy Update

(Cabinet: 21 January 2025)

Cabinet had before it a report on the revised Local Flood Risk Management Strategy (LFRMS), an overarching framework developed by Oxfordshire County Council (OCC) as the Lead Local Flood Authority. The strategy was a statutory document required by the Floods and Water Management Act 2010 and served to address flood risk within the county.

The LFRMS aims to develop, maintain, apply, and monitor effective flood risk management practices across Oxfordshire. It encompasses flood risk from surface runoff, groundwater, and ordinary watercourses. The strategy outlines the roles and responsibilities of risk management authorities including statutory and non-statutory elements.

Cabinet approved the strategy as recommended.

9. Badger Culling

(Cabinet: 25 February 2025)

Cabinet had before it a report which set out a proposed response to the motion on Badger Culling passed at the meeting of the Council on 10 December 2025.

Councillor Ian Middleton addressed the Cabinet urged the Council to fully implement the measures called for in his motion. He hoped that this stance would prompt the current Labour government to review their position on the cull.

Cabinet re-affirmed the Council's opposition to badger culling. A specific policy about badger culling not being permitted on Council-owned land would be presented for adoption in due course. Members also noted that the Leader had written to DEFRA making clear the council's continued opposition to the cull and any extension in size and scope.

10. Oxfordshire Climate Adaptation Route Map & Oxfordshire County Council Climate Adaptation Delivery Plan

(Cabinet: 25 February 2025)

Cabinet approved the adoption of the Oxfordshire Climate Adaptation Route Map and Delivery Plan. The route map identified the key actions that needed to be taken by Oxfordshire's stakeholders to mitigate the impacts of climate change.

The Route map had been developed in partnership with district councils and had been endorsed by the Future Oxford Partnership. It serves as a framework strategy, directing stakeholders on where action is needed. The County Council Delivery Plan focuses on addressing the strategic risk of climate impacts on vulnerable residents.

11. Household Waste Recycling Centre Service Delivery Model

(Cabinet: 25 February 2025)

Cabinet had before it a report in proposals for a new service delivery model for the Council's Household Waste Recycling Centres. Oxfordshire had been the top waste recycler in England for the past ten years. The Household Waste Recycling Centres (HWRCs) are a popular and effective part of this success.

The Council recently extended the current contract for the management of HWRCs by three years, but this contract would need to be re-tendered in 2.5 years. The Council's waste team was proactively starting the process to explore and consider options for the future management of HWRCs. This included taking into account the new government's implementation of the Extended Producer Responsibility (EPR) and the goal of zero waste.

Cabinet approved the commencement of work to explore and consider options for the Household Waste Recycling Centre Management service delivery provision, noting that the current contract is coming to an end in September 2027. Members also approved the use of Extended Producer Responsibility funding for consultancy work to support the future household waste recycling centre model development.

Cabinet Member: Adult Social Care

12. Henley Short Stay Hub Beds

(Cabinet: 17 December 2024)

Cabinet had before it a report which outlined a response to the motion on Henley Short Stay Hub Beds agreed by the Council on 5 November 2024 and the questions subsequently raised by Councillor Gawrysiak addressed to Cabinet. It set out the background to the decisions made in 2023 and the actions taken subsequently to address the concerns raised in the Motion.

Cabinet endorsed the Home First Discharge to Assess model of care that has been implemented countywide since January 2024 and reaffirmed that the former Chiltern Court beds are not reinstated for the reasons set out in the report. Members noted the engagement that had taken place with the public and stakeholders during 2024 and endorsed ongoing engagement with Oxfordshire residents around out of hospital care.

13. Funding contribution towards a jointly commissioned Mental Health Contract 2025-2035

(Cabinet: 21 January 2025)

Cabinet had before it a report on proposals for a new mental health contract which would bring together several existing mental health contracts in one place for Oxfordshire residents aged 18+ years whose mental health fell into primary, core or enhanced need in the new framework for defining mental health need. These services aim to ensure adults with poor mental health and serious mental illness receive specialist support as part of their recovery. Bringing these elements together into a single contract will simplify the management processes and reduce bureaucracy, creating greater flexibility and clearer oversight through a Performance and Assurance Oversight Board.

Members approved the recommendations including the direct award of a new mental health contract between Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board ("BOB ICB") and Oxford Health (NHS) Foundation Trust funded under the pooled fund arrangements of the S 75 Agreement.

Cabinet Member: Community and Corporate Services

14. Workforce Report and Staffing Data - Quarters 2 & 3 2024-25

(Cabinet: 17 December 2024 & 25 February 2025)

Cabinet received reports which provided an overview of the progress towards delivering the Our People and Culture Strategy and also reviewed the workforce

profile including the key workforce trends and other relevant management information and performance indicators which were set out in the annexes.

Members welcomed the positive direction of travel in terms of the performance indicators detailed in the report and referred, in particular, to the increased allocation of resources which had led to success of the Council's apprenticeship scheme. The reports also highlighted a reduction in working hours lost due to sickness, improvements in workforce diversity, and an increase in the proportion of staff from ethnic minorities (from 9.44% to 11.3%) and staff with disabilities (from 6% to 8.7%).

Cabinet discussed the positive impact of the People and Culture Strategy and the importance of continuing to support staff development and well-being. The reduction in agency staff spending over the past 12 months was also highlighted as a significant achievement.

Cabinet Member: Finance

15. Capital Programme and Monitoring Reports

(Cabinet: 17 December 2024, 21 January and 25 February 2025)

The Capital Programme was approved by Council in February 2024 and updated during the year through the capital programme and monitoring reports. Cabinet had before it update and monitoring reports which set out change requests requiring Cabinet approval that will be incorporated into the agreed programme and included in the next update to the Capital Programme in March 2025.

They also approved the following additions to the programme:-

- a) the inclusion of the William Fletcher CE Primary School (Expansion) scheme in the Capital Programme with an indicative budget of £3.9m to be funded from S106 developer contributions and basic need funding
- b) the inclusion of a programme of work which will create breathing apparatus and cleaning / decontamination areas across Oxfordshire's fire stations, with an indicative budget of £1.8m, to be funded from earmarked reserves, agreed by Council in February 2024.
- c) the inclusion of 'The Greenwood Centre', an 11-bed accommodation block for 16–17-year-olds in need of supported accommodation, into the Capital Programme at an indicative cost of £1.932m, to be funded from £6.000m agreed by Council in February 2024 for additional Children's Homes.
- d) a budget increase of £6.39m for 'Great Western Park Special Educational Needs and Disability (SEND) School', to be funded from the High Needs Grant.
- e) a budget increase of £1.500m to the Energy Saving Measures Programme, to be addressed through the annual Budget and Business Planning process and approval by Council in February 2025.
- f) a budget increase of £11.516m to the Didcot to Culham River Crossing, part of the Housing Infrastructure 1 (HIF1) programme, to be funded through

additional funds granted by Homes England and agreed by Cabinet in July 2024.

- g) a budget increase of £12.537m to Didcot Science Bridge, part of the Housing Infrastructure 1 (HIF1) programme to be funded through additional funds granted by Homes England and agreed by Cabinet in July 2024.
- h) a budget increase of £11.916m to the Clifton Hampden Bypass project, part of the Housing Infrastructure 1 (HIF1) programme to be funded through additional funds granted by Homes England and agreed by Cabinet in July 2024.
- i) the inclusion of a new one-form-entry primary school -East Carterton - into the Capital Programme with an indicative budget of £10.227m, to be funded from S106 developer contributions and basic need funding.
- j) Members also noted that £7.500m of the remaining Housing and Growth Deal funding is to be allocated to Grove Airfield School in 2024/25.

16. Business Management and Monitoring Report - November 2024 (Cabinet: 21 January 2025)

Cabinet considered a report presenting the November 2024 performance, risk, and finance position for the council. The business management reports were part of a suite of performance, risk and budget documents which set out the council's ambitions, priorities, and financial performance.

Cabinet approved the financial adjustments recommended in the report including the creation of a new reserve to support costs associated with Local Government Devolution and Reorganisation and the transfer of £5.0m to the reserve and transfer of £3.0m from Adult Services to the Budget Priorities reserve.

17. Budget and Business Planning 2025/26 - 2027/28 (Cabinet: 28 January 2025)

Cabinet had before it a report setting out the Cabinet's revenue budget for 2025/26, medium term financial strategy to 2027/28, capital programme to 2034/35 plus supporting policies, strategies and information.

The report set out the budget engagement and consultation 2025/26 findings, the Cabinet's proposed Revenue Budget Strategy and the Capital & Investment Strategy. Alongside this, the report also set out the Review of Charges for 2025/26.

The revenue budget proposals took into consideration the latest information on the council's financial position outlined in this report. In finalising the proposals, the Cabinet had taken into consideration feedback from the public engagement and consultation on the revenue budget proposals.

Cabinet approved the recommendations regarding the Revenue Budget and Medium Term Financial Strategy and agreed a number of recommendations to Council regarding the revenue budget for 2025/26, the Capital and Investment Strategy for 2025/26 - 2035/36 and the Treasury Management Strategy Statement and Annual Investment Strategy for 2025/26.

18. Councils for Fair Tax Declaration

(Cabinet: 25 February 2025)

Cabinet received a report proposing a response to the motion passed at the County Council meeting on 5 November 2024, requesting approval for the "Councils for Fair Tax Declaration."

Created by The Fair Tax Foundation Limited, the declaration advocates responsible tax conduct with support from 63 UK councils. It commits the council to exemplary tax practices, demands transparency from suppliers, and calls for powers to address tax avoidance in procurement.

The Leader of the Council was also requested to write to the Chancellor of the Exchequer supporting reforms in UK procurement law. The Cabinet Office confirmed that The Procurement Act, effective 24 February 2025, will mandate excluding bidders guilty of tax evasion or abusive tax avoidance schemes.

The Cabinet approved endorsing the Councils for Fair Tax Declaration.

19. City Centre Accommodation Strategy - Proposed Disposal of New and Old County Hall

(Cabinet: 25 February 2025)

Cabinet had before it a report on the proposals for the disposal of New and Old County Hall and the establishment of the Council's core office at a reimagined Speedwell House campus. This City Centre Accommodation strategy aims to consolidate the council's physical presence in Oxford to have one core central office complemented by community hubs across the county. The strategy also emphasises the importance of maintaining public access to the new and Old County Hall as far as possible, recognising it as a massive community asset in the centre of Oxford. Additionally, the strategy aims to set out the council's ambitions around regeneration, renewal, and restoration of the city centre.

Cabinet approved the freehold disposal of New and Old County Hall and delegated authority to the Executive Director of Resources and Section 151 Officer, in consultation with the Cabinet Member for Finance, to negotiate and agree the final heads of terms and complete all necessary legal documentation to implement the disposal.

Cabinet Member: Infrastructure & Development Strategy

20. Infrastructure Funding Statement

(Cabinet: 17 December 2024)

Cabinet had before it a report on the Infrastructure Funding Statement. This was a statutory statement of fact to be reported annually, by 31 December 2024 on developer contributions secured, spent or received during the previous financial year, 1 April 2023 – 31 March 2024.

Members approved the publication of the report onto the Oxfordshire County Council website and delegated authority to make any minor amendments to the report prior to its publication to the Director of Economy & Place in consultation with the Chief Executive

Cabinet Member: Public Health, Inequalities and Community Safety

21. Response to Motion by Councillor Reeves on Winter Fuel Payments

(Cabinet: 21 January 2025)

Cabinet had before it a report recommending a response to the motion agreed at Council on 5 November 2024, on the subject of recent changes to Winter Fuel Payments (WFP). The motion sought to ensure that the Council supported low income pensioners who were losing their WFP, and that this support was communicated both to them and those who support them such as family and friends.

Cabinet noted the measures introduced to support low-income pensioners including the Residents' Support Scheme, a communications campaign which raised awareness about available support, and a cost of living programme which included funding for energy vouchers, practical support with energy efficiency, and small community organisation grants.

Cabinet Member: SEND Improvement

22. Enhanced Pathways Business Case - Special Educational Needs and Disabilities (SEND) Strategic Early Intervention Team

(Cabinet: 25 February 2025)

Cabinet had before it a report which sought approval to expand the funding for the Enhanced Pathway project, which was part of the SEND transformation programme. Enhanced Pathways provided teacher-led support in mainstream schools for children with special educational needs and disabilities (SEND). The initiative offered a bespoke curriculum to meet their needs while still at mainstream schools.

Cabinet approved the recommendations to continue to fund 20 existing Enhanced Pathways and a further 20 Pathways to enable the Council to meet the increasing numbers and complexities of children and young people with Special Educational Needs in mainstream schools and to realise probable savings through this spend to save model. The budgetary commitment was for a period of 3 years for each Enhanced Pathway (barring significant changes to central government funding of SEND during that period). Members also agreed to consider and review opportunities to upscale the Enhanced Pathways programme over the coming years in line with the impact evidence provided.

Cabinet Member: Transport Management

23. Civil Enforcement Procurement Model

(Cabinet: 21 January & 25 February 2025)

Cabinet approved a preferred service model and procurement strategy (enhanced multi contractor) for the Council's Civil Enforcement and Zero Emission Zone (ZEE) operation. The model took into account the importance of effective enforcement in achieving the county's transport goals. The need for better enforcement of parking regulations, the potential use of new technologies, and the importance of recruiting and retaining civil enforcement officers were emphasised by members during discussion.

24. Scrutiny Reports

(Cabinet: 17 December 2024, 21 & 28 January 2025 and 25 February 2025)

Cabinet received the following Scrutiny Reports:-

Community Asset Transfer Policy (Performance and Corporate Services Overview and Scrutiny Committee)

Commercial Strategy (Performance and Corporate Services Overview and Scrutiny Committee)

Healthy Weight (Oxfordshire Joint Health Overview and Scrutiny Committee)

Education other than at Home Strategy (EOTAS) (Education and Young People Overview and Scrutiny Committee)

Local Nature Recovery Strategy (Place Overview and Scrutiny Committee)

Infrastructure Funding Statement and s.106 Funding (Place Overview and Scrutiny Committee)

City Centre Accommodation Strategy – Disposal of Old and New County Hall (Place Overview and Scrutiny Committee)

LIZ LEFFMAN

Leader of the Council

April 2024

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COUNCIL **1 April 2025**

Constitutional Amendments

Report by Director of Law and Governance and Monitoring Officer

RECOMMENDATION

1. COUNCIL is RECOMMENDED

- (a) to approve amendments listed and tracked in Annex 1 (including Appendices 1 to 21) to the following Parts of the Council's Constitution, as proposed by the Constitution Working Group and, in the cases of (iii), (xii), (xiv) and (xvii), as amended by the Audit & Governance Committee:
 - (i) Part 1.2 How Oxfordshire County Council Operates;
 - (ii) Part 1.3 Decision Making;
 - (iii) Part 3.1 Council Procedure Rules;
 - (iv) Part 3.1A Virtual Meeting Procedure Rules (delete);
 - (v) Part 3.3 Virement Rules;
 - (vi) Part 4.2 Cabinet Procedure Rules;
 - (vii) Part 4.4 Delegated Decisions by Individual Cabinet Members;
 - (viii) Part 4.6 Transport Advisory Panel (delete);
 - (ix) Part 5.1A Regulatory and Other Committees;
 - (x) Part 5.1B Health and Wellbeing Board;
 - (xi) Part 6.1A Overview and Scrutiny Committees;
 - (xii) Part 6.1B Oxfordshire Joint Health Overview and Scrutiny Committee;
 - (xiii) Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference (new Part);
 - (xiv) Part 6.2 Overview and Scrutiny Committee Procedure Rules;
 - (xv) Part 6.3 Protocol on Scrutiny Participation (delete);
 - (xvi) Part 7.2 Scheme of Delegation to Officers;
 - (xvii) Part 8.3 Contract Procedure Rules;
 - (xviii) Part 9.2 Protocol on Councillors' Rights and Responsibilities;
 - (xix) Part 9.4 Policy on IT Use by Members of the County Council (delete);
 - (xx) Part 9.6 Protocol on Member-Officer Relations;
 - (xxi) Part 10.1 Members' Allowances;
 - (xxii) correct erroneous references and update titles where they have changed;
- (b) to approve additional items in Annex 2 agreed by the Audit & Governance Committee;

- (c) to approve amendments in Annex 3 agreed by the Oxfordshire Health & Wellbeing Board to its Terms of Reference;
- (d) to delegate to the Director of Law & Governance and Monitoring Officer the ability to make any necessary additional changes to the Constitution to amend any inconsistencies arising from these proposed changes and where any existing drafting in the Constitution is inconsistent with the changes set out in this report and approved by Council.

Executive Summary

2. The cross-party Constitution Working Group (“the CWG”) held seven meetings between November 2024 and February 2025 and its members were Councillor Ted Fenton (Chair), Councillor Roz Smith (Deputy Chair) and Councillors David Bartholomew, Robin Bennett, Trish Elphinstone, Mark Lygo, Stefan Gawrysiak, Liz Leffman, Kieron Mallon and Bethia Thomas (with substitutions when members were unable to attend meetings). It was tasked with considering ways of amending the Constitution and then making recommendations. The recommendations in Annex 1 and its appendices 1 to 21 arise from its work.
3. The report of the CWG was considered by the Audit & Governance Committee (AGC) at its meeting on 12 March 2025. A number of amendments set out in paragraphs 9 to 15 were agreed to the CWG proposals and the additional items in Annex 2 of this report were also agreed.
4. The Oxfordshire Health & Wellbeing Board at its meeting on 13 March 2025 agreed further amendments to its Terms of Reference as shown in Annex 3 to reflect changes to the operating model and staffing structure of the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB).
5. The detailed proposals from the CWG, in the cases of (iii), (xii), (xiv) and (xvii) as amended by the AGC, and the reasons for them are set out in Annex 1 and its Appendices 1 to 21. The proposed changes in summary are:
 - a) Part 1.2 How Oxfordshire County Council Operates to
 - (i) reflect the increased number of councillors from May 2025;
 - (ii) clarify what is included in the “Budget & Policy Framework”;
 - (iii) add the requirement to agree new posts with salary over £100,000;
 - (iv) modernise the language by referring to “Council” instead of “Full Council”.
 - b) Part 1.3 Decision Making to increase the threshold for Key Decisions to £1m revenue, and £2m capital, expenditure in line with inflation since they were first set.
 - c) Part 3.1 Council Procedure Rules including to
 - (i) establish a 30 minute limit on the Report of the Cabinet;
 - (ii) increase the number of signatures required to call an Extraordinary meeting of Council from 5 to 10;

- (iii) introduce a procedure to deal with any proposal for the removal of the Leader of the Council which the Council is required by law to have;
 - (iv) clarify what Members can and cannot do if attending a meeting virtually;
 - (v) introduce an earlier deadline for receipt of petition requests and raise the number of signatures required to 50 people resident or working in Oxfordshire;
 - (vi) ensure that a response to a petition is given at the meeting and by the relevant Cabinet Member;
 - (vii) bring forward the deadline for requests to speak to three working days and reduce the maximum speaking time from 5 to 3 minutes in line with current practice;
 - (viii) bring forward the deadline for questions from members of the public to five working days to give reasonable time to respond;
 - (ix) limit each political group to one motion per meeting with allowance for one cross-party motion;
 - (x) to clarify the rules on Voting on Appointments, providing a worked example;
 - (xi) incorporate provisions around virtual participation in meetings so that Part 3.1A can be deleted.
- d) Delete Part 3.1A Virtual Meeting Procedure Rules.
 - e) Part 3.3 Virement Rules to increase the financial limits in line with the changes to the Key Decision threshold.
 - f) Part 4.2 Cabinet Procedure Rules to require that questions must be on items on the agenda and to bring forward the deadline for questions by one day and the deadline for responses by one day.
 - g) Part 4.4 Delegated Decisions by Individual Cabinet Members to allow the option of holding delegated decision meetings virtually.
 - h) Delete Part 4.6 Transport Advisory Panel as it has not met since 2018.
 - i) Part 5.1A Regulatory and Other Committees to provide a procedure for moving the dates of, or cancelling, meetings.
 - j) Part 5.1B Health and Wellbeing Board to replace the Terms of Reference with those agreed by the Board in October 2022.
 - k) Part 6.1A Overview and Scrutiny Committees to clarify that educational support for adults with learning difficulties will come under the scope of the People Overview and Scrutiny Committee and the Crime and Disorder meeting will come under the scope of the Place Overview and Scrutiny Committee.
 - l) Part 6.1B Oxfordshire Joint Health Overview and Scrutiny Committee to reflect the changes in the Health and Care Act 2022.
 - m) Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference to add this to the Constitution.
 - n) Part 6.2 Overview and Scrutiny Committee Procedure Rules to
 - (i) clarify that members of the public may suggest items for agendas;
 - (ii) include the statutory deadlines for Cabinet Members to agree a response to scrutiny recommendations;

- (iii) provide clarity on the valid reasons for call-in, set out the call-in procedures and the process for dealing with the outcomes;
- (iv) specify that call-in will only apply to Key Decisions;
- (v) reduce the call-in period from 5 to 3 working days;
- (vi) reduce the current 30 working days 'expiry' on a call-in to 20 working days, approximately a month, to speed up Council processes.
- o) Delete Part 6.3 Protocol on Scrutiny Participation.
- p) Part 7.2 Scheme of Delegation to Officers to ensure that overview and scrutiny chairs and deputy chairs are consulted on any adjustment to the terms of reference of an overview and scrutiny committee to reflect detailed changes in the remits of individuals or bodies.
- q) Part 8.3 Contract Procedure Rules (CPRs) to bring them into line with the Procurement Act 2023 and the Procurement Regulations 2024 and to delegate authority to the Director of Law & Governance and Monitoring Officer to amend the CPRs to comply with emerging procurement practice and further changes in procurement legislation and guidance.
- r) Part 9.2 Protocol on Councillors' Rights and Responsibilities to reflect practice and changes elsewhere;
- s) Delete Part 9.4 Policy on IT Use by Members of the County Council from the Constitution so that it can be updated and circulated to councillors more regularly;
- t) Part 9.6 Protocol on Member-Officer Relations to highlight the role of councillors as being to promote equality, diversity and inclusion with new sections "Contacts between Members and Officers" and "Access to Information" to reflect practice and clarify expectations.
- u) Part 10.1 Members' Allowances to reflect the uplift in allowances for 2024/25 and allow for electronic submission of allowance claims and notices to forgo an entitlement or part thereof.
- v) correct erroneous references and update titles where they have changed.

Constitution Working Group

6. The previous review of the Constitution by a working group reported its recommendations to Council on 7 October 2022.
7. A draft plan was agreed at the first meeting of this CWG to reflect councillors' priorities. This formed the work programme for the Group.
8. Throughout the process Members of the CWG took issues back to their political groups for discussion and brought the views from their groups back to the CWG to inform its discussions.

Audit and Governance Committee

9. The AGC reviewed the report of the CWG at its meeting on 12 March 2025. The Committee broadly welcomed the report and recommended four changes to the proposals.

10. The Committee agreed that changing the number of signatures required for a petition from 10 to 100 was too large an increase and amended this to 50 signatures.
11. The Oxfordshire Joint Health Overview and Scrutiny Committee (OJHOSC) had been consulted on the proposed changes to Part 6.1B, which sets out its procedures, and the proposed new Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference. OJHOSC asked that the proposal to formalise the order of rotation of the Deputy Chair position among the City and District Councils be withdrawn so that they could retain flexibility in that matter. The AGC agreed to make that change.
12. The AGC agreed to add a provision to the proposed Call-in procedures that, in the event that the Director of Law & Governance and Monitoring Officer deems that a Call-in is not valid, they will report their reasoning to the next meeting of the relevant scrutiny committee.
13. The AGC also added an amendment to Part 8.3 Contract Procedure Rules in Section 8.1 Evaluation Criteria as shown in bold below:

“In determining the relevant evaluation criteria for any procurement, Authorised Officers, in consultation with their Relevant Procurement Team, must consider all factors relevant to their requirement, including environmental and social considerations, **including social value benefit where appropriate**, so far as this is lawful.”
14. The amendments agreed by the CWG, as amended by the AGC, are detailed in Annex 1 of this report along with the current text in each case and the reasons for the changes. Where there have been substantial changes throughout a Part, the current text and new text are provided in appendices.
15. The AGC also agreed to a request from the Director of Law & Governance and Monitoring Officer for the delegation in recommendation d) above as well as two amendments to Part 7.2 Scheme of Delegation to Officers shown in Annex 2:
 - Section 6.4 (a) to enable the Monitoring Officer to affix a seal by electronic means and clarify responsibilities for administration of the seal and authentication of legal documents; and
 - A new delegation as Section 6.4 (w) to allow the Monitoring Officer to make the necessary changes annually when the Scheme of Allowances provides for the indexation of allowances.

Oxfordshire Health & Wellbeing Board

16. The Health & Wellbeing Board, at its meeting on 13 March 2025, agreed further amendments to its Terms of Reference:

- (a) The Place Director for Oxfordshire role is removed as this post no longer exists within the ICB staffing structure and is replaced by the ICB Executive Director with Oxfordshire Place responsibility
- (b) The ICB Clinical Lead with Oxfordshire responsibility role is removed as this post no longer exists within the ICB staffing structure. Clinical input to the HWB will be retained via the primary care representative and via topic specific input from relevant Clinicians
- (c) The vacant Vice-Chair role is filled by the Chair of Oxford University Hospitals NHS Foundation Trust to ensure ongoing Chair/ Vice-Chair roles are shared between Local Government and NHS organisations.

17. These amendments are detailed in Annex 3.

Financial Implications

18. There are no significant financial implications arising from the proposed amendments to the Constitution.

Comments checked by:

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 Assistant Finance Business Partner
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Legal Implications

19. The recommendations in this report are consistent with the Council's duty under Section 9P of the Local Government Act 2000 to have a Constitution and keep it up to date. The Constitution must contain (a) a copy of the authority's standing orders for the time being, (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011 and (c) such information as the Secretary of State may direct, and (d) such other information (if any) as the authority considers appropriate.
20. The Council's Constitution complies with The Local Government Act 2000 (Constitutions)(England) Direction 2000 issued on 12 December 2000 by the then Secretary of State for the Environment, Transport and the Regions. Part 1.2 of the Council's Constitution at 2(a) confirms that adopting and changing the Constitution is reserved to approval by the Council

Comments checked by:

Anita Bradley
 Director of Law and Governance and Monitoring Officer
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Staff Implications

21. The proposal to allow Cabinet Members the option to hold their individual decision meetings remotely will have a positive impact in reducing travel time to and from County Hall for officers in many instances. It will also reduce the time spent by Facilities Management officers and IT officers setting up and removing the audio-visual equipment required to live stream these meetings which often last for only a few minutes.

Sustainability Implications

22. The proposal to allow Cabinet Members the option to hold their individual decision meetings remotely will have a positive impact in reducing travel to and from County Hall for the Cabinet Members themselves as well as for officers in many instances.

Consultations

23. The trade unions and Human Resources officers were consulted on Part 9.6 Protocol on Member-Officer Relations and expressed no concerns.

Anita Bradley
Director of Law & Governance and Monitoring Officer

Annex: Annex 1 – the proposed amendments to the Constitution and the reasons for each as agreed by the Constitution Working Group and amended by the Audit & Governance Committee.

Annex 2 – additional items agreed by the Audit & Governance Committee.

Annex 3 – further amendments agreed by the Oxfordshire Health & Wellbeing Board to its Terms of Reference.

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March 2025

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Proposed Constitutional Amendments Agreed by the Constitution Working Group

Part 1.2 How Oxfordshire County Council Operates

Section	Current text	Proposed text	Reason
1 Councillors	Oxfordshire County Council comprises 63 County Councillors elected every four years. 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.	Oxfordshire County Council comprises 63 County Councillors, due to increase to 69 County Councillors from May 2025 , elected every four years. 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.	To update to include the increase in the size of the Council.
2 Full Council	See Appendix 1	See Appendix 2	Replacing “Full Council” with “Council” is modernising the terminology. Council meets seven times a year at least, not six.

			<p>The other changes clarify what is included in the “Budget & Policy Framework” and must therefore be decided by Council.</p> <p>Also, adding the requirement to agree new posts with salary over £100,000.</p>
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Part 1.3 Decision Making

Section	Current text	Proposed text	Reason
3. Types of decision			
(b) Key Decisions	<p>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</p>	<p>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</p>	<p>The Key Decisions thresholds have not been changed since 2001. Using the RPI index, the equivalent values in 2025 would be £1.045m and £2.09m. Examples from other county councils include Hampshire (£2m), Warwickshire and Surrey (£1m)</p>

	<p>communities living or working in an area comprising two or more electoral divisions in the County.”</p> <p>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.</p> <p>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.</p>	<p>communities living or working in an area comprising two or more electoral divisions in the County.”</p> <p>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 £1m 500,000, whichever is the lower figure, and £2m 4m 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.</p> <p>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.</p>	
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	<p>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.</p> <p>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</p>	<p>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 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.</p> <p>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</p>	
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	accordance with the Access to Information Rules.	accordance with the Access to Information Rules.	
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Part 3.1 Council Procedure Rules

Section	Current text	Proposed text	Reason
2 Ordinary Meetings	Insert new 2.4	Discussion of the Report from the Cabinet will not exceed 30 minutes.	To improve the chances of more motions being reached at a meeting. Councillors can also submit questions at meetings of the Cabinet.
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	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 ten Members of the Council if they have signed a requisition presented to the	Members of the Constitution Working Group believe that 5 Members to call an Extraordinary Meeting of Council is too low and propose to raise it to 10. The Council is required to have a procedure to deal with a proposal for the Removal of the Leader of the Council.

	Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;	Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; (v) at least one third of the Members of the Council if they have signed a requisition presented to the Chair of the Council to move a motion for the removal of the Leader of the Council.	
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.	At an extraordinary meeting the Council will, in addition to the business set out in sub-paragraphs (i) to (iii) (iv) and (vi) of Rule 2.2 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.	This removes the minutes of the last meeting (ii) and changes to committees (v) from list of items to be taken at an any extraordinary Council meeting. It also corrects the Rule reference.
3.3	New section	Further to paragraph 3.1 (v) above the following rules shall apply to an extraordinary meeting of the Council to consider the removal of the Leader of the Council:	The Council is required to have a procedure to deal with a proposal for the Removal of the Leader of the Council.

		<p>3.1.1. a motion to remove the Leader of the Council may only be made at an extraordinary meeting convened for that purpose not less than 21 days from the requisition being received by the Chair of the Council</p> <p>3.1.2. Only one extraordinary meeting can be called for the purpose of considering a motion to remove the Leader of the Council in any 12 month period</p> <p>3.1.3. If at the extraordinary meeting which is called to consider a motion to remove the Leader of the Council such a motion is passed the meeting will then consider the election of a new Leader of the Council and the meeting will not close before the election of a new Leader of the Council has taken place in accordance with Rule 17.8 Voting on Appointments.</p>	
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5 Time and Place of Meetings			
5.1	<p>All meetings of the Council will:</p> <ul style="list-style-type: none"> (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; <p>subject to the Chair, after consultation with Group Leaders where appropriate, varying any or all of the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.</p>	<p>All meetings of the Council will:</p> <ul style="list-style-type: none"> (i) take place in the Council Chamber at County Hall, Oxford; (ii) commence at 10.30 am; (iii) be adjourned for lunch at around 1 pm and finish by 3.30 pm; <p>subject to the Chair, after consultation with Group Leaders where appropriate, varying any or all of the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.</p>	<p>Gives the Chair flexibility around when to break for lunch and reflects practice.</p>
8 Quorum	<p>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</p>	<p>Renumber the current text as 8.1 Quorum</p> <p>and rename this Section 8 Attendance in order to broaden the scope of the section.</p>	<p>To allow a new paragraph to be added regarding virtual attendance.</p>

	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.		
Insert 8.2		Members attending virtually at Council and members of statutory committees attending virtually at the committee are not considered present and therefore must not vote, do not count towards the quorum and must not speak at the meeting. The chair of Council or a committee may agree exceptions to this rule to allow Members to speak virtually.	To clarify what Members can and cannot do if attending a meeting virtually.
10.1 Petitions			
10.1.1 (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;	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 tenth working day before the meeting;	This earlier deadline ensures that this provision is used for genuine petitions and not as alternative way to seek to speak at a meeting. It would enable officers to give speakers more reasonable notice of their time allocation.
10.1.1 (iii)	The petition has been signed by a minimum number of 10 persons.	The petition has been signed by a minimum number of 10 50 persons resident or working in	The number of signatures required is much too low and it is proposed

		Oxfordshire with the relevant postcode supplied for each name;	to limit petitions to Oxfordshire stakeholders.
10.1.2.(iv)	all addresses shall be delivered from a location in the Council Chamber determined by the Chair.	all addresses shall be delivered from a location in the Council Chamber determined by the Chair or virtually at meetings where an online means of attending is available.	Including online participation in Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
10.1.3	Any question as to the relevance of any petition shall be determined by the Chair without debate.	Any question as to the relevance of any petition shall be determined by the Chair without debate. If more than one petition has been notified on the same issue at the same meeting, the Chair may decide to accept only one of the speakers at the meeting and will let the speakers know of this decision no later than 9.00 am on the fifth working day before the meeting.	On a number of occasions, multiple petitions have been submitted on slightly different aspects of the same issue. This will give the Chair clearer discretion in insisting only one speaker if deemed appropriate.
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.	In respect of petitions presented to Council, The appropriate Chief Officer shall inform the petitioner within 10 working days what action will be taken as a result of the petition Cabinet Member will have 3 minutes to respond to the petition and state whether it	This will provide petitioners with an immediate response and clarity on what is proposed to happen following the petition.

		will be referred to Cabinet, the Cabinet Member or the relevant Chief Officer.	
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:	Any person may address the Council on an item in the agenda for not more than 53 minutes provided that:	The practice has been for the Chair to give no more than 3 minutes.
10.2.1(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;	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 three working days before the meeting;	An earlier deadline would enable officers to give speakers more reasonable notice of their time allocation.
10.2.1(iv)	all addresses shall be delivered from a location in the Council Chamber determined by the Chair.	all addresses shall be delivered from a location in the Council Chamber determined by the Chair or virtually at meetings where an online means of attending is available.	Including online participation in the Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
10.3 Chair's Discretion			
10.3	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.	Renumber this text as 10.3.1.	

	<p>(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;</p> <p>(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.</p>		
<p>Move the final paragraph of 10.2 to become 10.3.2 and amend it for clarity</p>	<p>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</p>	<p>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</p>	<p>This paragraph is not numbered in 10.2 and is more appropriate to come under 10.3 Chair's Discretion.</p> <p>The final sentence is confusing. It initially appears to set a limit of one opportunity to speak in six months but then seems to allow two.</p>

	will a person (or organisation) be allowed to address more than one meeting on a particular issue in any period of six months.	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.	
Insert 10.4 Addressing a meeting virtually		Where a person is registered to address the meeting virtually, 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 one A4 sheet; that is, capable of being read out within the time limit allowed by the Chair for speaking.	Including online participation in the Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
11. Questions by the Public			
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. 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.	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 9.00 am on the second fifth working day before the meeting. 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.	The current deadline gives less than one working day to provide a response to include in the Schedule of Business. (The deadline for Members' Questions is seven working days.)

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.	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. The response will be published in the Schedule of Business.	To reflect current practice and to match the procedure taken with Questions by Members. Responses are published in the Schedule of Business.
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.	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.	To reflect current practice. The question and response are taken as read.
11.87	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 their original question. A supplementary	Supplementary Question A questioner who has put a question in person, or virtually at meetings where an online means of attending is available, may also put one supplementary question without notice to the	To reflect the fact that virtual participation may be available.

	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.	member who has replied to their 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.	
12 Questions by Members			
12.5.1 Supplementary Question	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;	The Chair will ask the questioner, if present , if s/he wishes to ask one supplementary question without notice to the member of whom the first question was asked;	To clarify that the Member must be present in the Chamber to ask a supplementary question. Another Member may not ask the question for them.
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	13.1.1 Any member of the Council wishing to propose a one 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,	To limit each Member to one motion.

	motions from any member being 3,		
13.2 Motions set out in the agenda Insert new 13.2.1		Each political group shall have only one motion on the agenda at a meeting. Where two or more motions have been submitted by members of a group, the Group Leader shall notify the Proper Officer, within 24 hours of the deadline for receipt of motions having passed, which motion is to be taken on the agenda. If no such notice has been received, the first motion received will be taken. One cross-party motion will be accepted on the agenda at a meeting – that is a motion proposed and seconded by Members of different political groups. Where more than one such motion has been submitted, only the first received will be accepted on the agenda.	To limit each political group to one motion in order to avoid unrealistically long agendas.
	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	13.2.12 Motions for which notice has been given the agenda will be listed on the agenda in the order in which notice was received	Not all motions for which notice has been given will necessarily appear on the final agenda if each political group is limited to one.

	Officer, subject to one motion from each political group being considered in the order determined by the Chair in consultation with the Group Leaders;	by the Proper Officer, subject to one motion from each political group 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 they propose to move it to a later meeting or withdraw it.	13.2.2 ³ 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 they propose to move it to a later meeting or withdraw it.	Renumbered to insert new 13.2.1 above.
17.8 Voting on Appointments	<p>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.</p> <p>17.8.2 Where a vote is required on an election or appointment and more than two persons are</p>	<p>17.8.1 Where a vote is required on an election or appointment and only one person is nominated, they shall be declared elected/appointed.</p> <p>17.8.4² 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</p>	

	<p>nominated the following procedure shall apply:</p> <p>(i) Councillors will be invited to vote for one of the nominees;</p> <p>(ii) if one nominee secures an absolute majority of those present and voting, they shall be declared elected/appointed;</p> <p>(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;</p> <p>(iv) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting.</p>	<p>second nomination. No member shall vote for both nominees. The nominee with the highest number of votes shall be declared elected/appointed.</p> <p>17.8.23 Where a vote is required on an election or appointment and more than two persons are nominated the following procedure shall apply:</p> <p>(v) Councillors will be invited to vote electronically for each one of the nominees in turn and no member shall vote for more than one nominee;</p> <p>(vi) if one nominee secures an absolute majority¹ of those present and voting, they shall be declared elected/appointed;</p> <p>(vii) if no nominee secures an absolute majority of those present and voting, the</p>	
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¹ An absolute majority is defined as 'more votes than the other nominees combined'.

		<p>nominee with the least number of votes shall be eliminated from the contest;</p> <p>(viii) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting. That nominee shall be declared elected/appointed.</p>	
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Worked examples:

Two nominations

Cllrs Abbot and Barnes are nominated.

Cllr Abbot receives 21 votes

Cllr Barnes receives 20 votes

3 councillors abstain

Cllr Abbot is elected

Four nominations

Cllrs Cave, Davis, Eames and Farrell are nominated

1st round:

Cllr Cave 3 votes

Cllr Davis 6 votes

Cllr Eames 9 votes

**Cllr Farrell 15 votes
(1 councillor abstains)**

Total 33 votes

Cllr Cave is eliminated

2nd round:

Cllr Davis 7 votes

Cllr Eames 9 votes

Cllr Farrell 17 votes

(1 councillor abstains)

Cllr Farrell is elected – having more votes than the two remaining nominees combined – 7 + 9 = 16.

Part 3.1A Virtual Meeting Procedure Rules

Section	Current text	Proposed text	Reason
Delete Part 3.1A	See below		This Part was initially introduced for virtual meetings and amended for hybrid meetings but is no longer required if the above amendments are made.

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**

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

1.2 **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.

1.3 **Petitions**

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

- 10.1.2. 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.

Part 3.3 Virement Rules

EXISTING TEXT

Virement Approvals

9. All virements will be subject to the following approval limits:

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

Any virement that involves a major change in policy and is over £1m	Council (Section 151 Officer must consider if virements involve a major change in policy)
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Exceptions to the virement rules

10. 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).
- (iii) Ringfenced grant funding has to be used for specified purposes. Virement to update income and expenditure budgets to match the grant notification provided by the relevant body can be actioned without further approval.
- (iv) Transfers between revenue and capital will be classed as a change in policy and will require Council approval regardless of the value.

NEW TEXT

Virement Approvals

9. All virements will be subject to the following approval limits:

Amount	Minimum approval required
Up to and including £1m £0.5m (Subject to the cumulative rule above)	Director (<i>following consultation with the Budget Holder</i>), Executive Director of Resources and Section 151 Officer and relevant Cabinet Member(s)

Greater than £1m £0.5m (<i>Subject to the cumulative rule above</i>)	Cabinet (<i>following consultation with relevant Cabinet Member(s), Director and Executive Director of Resources and Section 151 Officer</i>)
Major Change in Policy and is worth £0.5m £1m or more but less than £1m £2m	Cabinet (<i>following consultation with relevant Cabinet Member(s), Director and Executive Director of Resources and Section 151 Officer and relevant Cabinet member(s)).</i> Section 151 Officer must consider if virements involve a major change in policy)
Any virement that involves a major change in policy and is over £2m or more £1m	Council (Executive Director of Resources and Section 151 Officer must consider if virements involve a major change in policy)

Exceptions to the virement rules

10. Exceptions to the virement rules are as follows:

- (v) If **Executive Director of Resources and** Section 151 Officer decides a decision by Council or Cabinet is required
- (vi) 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 **Strategic** Finance Business Partner(s).

- (vii) Ringfenced grant funding has to be used for specified purposes. Virement to update income and expenditure budgets to match the grant notification provided by the relevant body can be actioned without further approval.
- (viii) Transfers between revenue and capital will be classed as a change in policy and will require Council approval regardless of the value.

REASON

In order to align the thresholds with the proposed updated key decision thresholds.

Part 4.2 Cabinet Procedure Rules

Section	Current text	Proposed text	Reason
2 How Meetings are Conducted			
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 Councillors' 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).	Any member of the Council shall be entitled to attend and observe any meeting of the Cabinet, subject to the provisions in section 7 6 (d) of the Protocol on Councillors' 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).	The reference is incorrect.
3 Questions by Members of the Council			
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	A question may only be asked if notice has been given by delivering it in writing or by electronic mail to	To ensure that a question must relate to an item on the agenda and to allow an extra day for

	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.	the Proper Officer no later than 9 am on the second third working day before the meeting. Each question must relate to an item on the agenda for the meeting , give the name of the questioner and must name the member of the Cabinet to whom it is to be put.	responding, bringing the deadline into line with the proposed deadline for speaking requests.
3.6 Record of Questions	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.	Where possible, the Cabinet Member will give their reply to the Proper Officer by 12.00 pm on the day before 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.	Reflects practice and this earlier response deadline will be more achievable if the earlier submission deadline is adopted.
4 Right of 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.	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.	CPR 13 refers to Council motions on notice so is not relevant to Cabinet. The reference to Part 9.2 is sufficient.

Part 4.3 Cabinet Committees

1 Proceedings of Committees	(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.	the procedure for inclusion of items in the agenda for its meetings set out in paragraph 8 6(d) of the Protocol on Members' Rights as if it was a Council Committee.	Correction of reference.
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Part 4.4 Delegated Decisions by Individual Cabinet Members

Section	Current text	Proposed text	Reason
2. Proceedings	<p>(a) Any decision by a member of the Cabinet shall be subject to :</p> <p>(i) the Council's and the Cabinet's policies, budget and programme;</p> <p>(ii) 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);</p> <p>(iii) 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;</p> <p>(iv) the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by</p>	<p>(a) Any decision by a member of the Cabinet shall be subject to :</p> <p>(i) the Council's and the Cabinet's policies, budget and programme;</p> <p>(ii) 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);</p> <p>(iii) 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;</p> <p>(iv) the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by</p>	<p>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 removed the requirement to have a public or any meeting to make Delegated Decisions by individual Cabinet Members.</p> <p>The proposed amendment would allow Cabinet Members the choice to have a meeting in person or online.</p> <p>There are differing examples Bucks Council does not require a meeting to be held. Glos and Wilts allow online meetings.</p> <p>Rational: efficient and effective conduct of business, and saving travel by Members and Officers.</p>

	<p>Members of the Council) as far as is practicable; and</p> <p>(v) the provisions of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 to the extent specified in that Protocol.</p> <p>(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.</p>	<p>Members of the Council) as far as is practicable; and</p> <p>(v) the provisions of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 to the extent specified in that Protocol.</p> <p>(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.</p> <p>(c) A Cabinet Member may choose to hold their</p>	
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		<p>decision meeting online, rather than at County Hall. This must be made clear in the agenda for the meeting and cannot be changed once the agenda has been published. If a member of the public wishes to present a petition or speak on an item on the agenda at the meeting but does not have access to a device to participate online, officers will offer them assistance to join the meeting from a council office or library and failing that, read out their statement at the meeting.</p>	
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Part 4.6 Transport Advisory Panel

Section	Current text	Proposed text	Reason
All	See Appendix 3	Delete all of Part 4.6	The Panel has not met since 2018. The Transport Working Group of the Place Overview & Scrutiny Committee provides scrutiny on Transport matters.

Part 5.1A Regulatory and Other Committees

Section	Current text	Proposed text	Reason
3 Frequency of Meetings	<p>The Committees will ordinarily meet with the following frequencies:</p> <ul style="list-style-type: none"> a) Audit & Governance Committee - 6 times a year b) Pension Fund Committee - 4 times a year c) Planning & Regulation Committee - 8 times a year <p>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.</p>	<p>The Committees will ordinarily meet with the following frequencies:</p> <ul style="list-style-type: none"> a) Audit & Governance Committee - 6 times a year b) Pension Fund Committee - 4 times a year c) Planning & Regulation Committee - 8 times a year <p>Additional meetings may be convened at other times, or advertised dates may be cancelled or changed, by agreement of the relevant Committee at a meeting or by a decision of the Monitoring Officer following consultation with the Chair of the Committee, except that a meeting may not be postponed or cancelled once the agenda has been published.</p> <p>The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.</p>	<p>There is currently no procedure for making changes to the meeting schedule between meetings of a Committee, for example if there is a proposal to cancel or move the next meeting.</p>

Part 5.1B Health and Wellbeing Board

Section	Current text	Proposed text	Reason
Replace the whole Part	See Appendix 4	See Appendix 5	The new ToR agreed by the Board have not yet been adopted by Council.

Part 6.1A Overview & Scrutiny Committees

Section	Current text	Proposed text	Reason
3 Education & Young People Overview & Scrutiny Committee	<p>The terms of reference of the Committee will be:</p> <p>(ii) To focus on the following key areas</p> <p>a) All services and preventative activities/initiatives relating to children, young people, education (including Home to School Transport and Special Educational Needs and Disability), and support of families;</p> <p>b) The Council's statutory functions in relation to children's social care and safeguarding. This includes public health as they relate to children and young people where they are not covered by the Joint</p>	<p>The terms of reference of the Committee will be:</p> <p>(ii) To focus on the following key areas</p> <p>a) All services and preventative activities/initiatives relating to children, young people, education (including Home to School Transport and Special Educational Needs and Disability but excluding adult education), and support of families;</p> <p>b) The Council's statutory functions in relation to children's social care and safeguarding. This includes public health as they relate to children and young people where they are not covered by the Joint</p>	<p>Confusion has arisen over whether adult education is more appropriately a People Overview and Scrutiny Committee responsibility, given the focus on adults, or an Education and Young People Overview and Scrutiny Committee function, given its remit over Education.</p> <p>It is recommended that in light of the current workloads of the two Committees that this work be directed to the People Overview and Scrutiny Committee.</p>

	Health Overview and Scrutiny Committee; c) Matters relating to care leavers and the transition between children's and adult services d) The welfare of unaccompanied young asylum seekers e) Services for Young Carers	Health Overview and Scrutiny Committee; c) Matters relating to care leavers and the transition between children's and adult services d) The welfare of unaccompanied young asylum seekers e) Services for Young Carers	
4 People Overview & Scrutiny Committee	(a) all services and preventative activities/initiatives relating to adults in potential need of social care; (b) scrutiny of the Council's statutory functions in relation to adult social care and safeguarding. Includes public health matters as they relate to adults where they are not covered by the Joint Health Overview and Scrutiny Committee;	(a) all services and preventative activities/initiatives relating to adults in potential need of social care; (b) scrutiny of the Council's statutory functions in relation to adult social care and safeguarding. Includes public health matters as they relate to adults where they are not covered by the Joint Health Overview and Scrutiny Committee; (c) Council educational support for adults with learning difficulties.	Confusion has arisen over whether educational support for adults with learning difficulties is more appropriately a People OSC responsibility, given the focus on adults, or an Education and Young People OSC function, given its remit over Education. It is recommended that in light of the current workloads that work be directed to People Overview and Scrutiny Committee.
5. Performance & Corporate Services Overview & Scrutiny Committee	(iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.	(iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.	The annual Crime and Disorder meeting is held under legislation from the Police and Justice Act 2006. This meeting has been hosted by Place Overview and Scrutiny Committee, which is

			supported elsewhere in the constitution (Part 6.2 8 b). This reference is clearly in the wrong place. The Monitoring Officer may correct the name of the legislation, but not move the responsibilities.
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Part 6.1B The Oxfordshire Joint Health Overview & Scrutiny Committee

Section	Current text	Proposed text	Reason
18 – Duty of NHS Bodies or Health Service Providers to Consult on Substantial Developments or Variations in Provision of Service	See Appendix 6	See Appendix 7	To reflect the changes in the Health and Care Act 2022.

Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference

Section	Current text	Proposed text	Reason
All	Insert new Part	See Appendix 8	Under the terms of reference agreed by the constituent councils of the Buckinghamshire, Oxfordshire and Berkshire West Joint Health Overview and Scrutiny Committee, responsibility for

			administering its meetings falls to the Council from whom the Chair comes. Should members of the BOB HOSC appoint the current vice-Chair (or another Oxfordshire councillor) to become Chair in February 2025, responsibility for these meetings will fall to Oxfordshire County Council, likely for two years. It is recommended, therefore, that the agreed terms of reference for the BOB HOSC are included within the Council's constitution.
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Part 6.2 Overview & Scrutiny Procedure Rules

Section	Current text	Proposed text	Reason
6	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.	Subject to the rules in Part 6.2 11 (Agenda Items) the Scrutiny Committees will be solely responsible for setting their own work programme and but in doing so they will take into account the views of the co-opted members, suggestions by members of the public or external stakeholders, and senior officers. Where suggestions from members of the public are not adopted, a response will be provided to the	This section explains the rights of the Overview and Scrutiny Committee to set its own work programme. However, there exist rules in part 6.2 (11) which allow members of the public to request or require items to be on a Scrutiny agenda. Without clarification, the two could appear to be in conflict.

		original proposer to provide a reason.	
8 (b)	<p>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.</p> <p>Footnote: Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009</p>	<p>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.</p> <p>Footnote: Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 The Police and Justice Act 2006</p>	<p>The annual Crime and Disorder meeting is held under legislation from the Police and Justice Act 2006. This meeting has been hosted by Place Overview and Scrutiny Committee, which is supported elsewhere in the constitution (Part 6.2 8 b). This reference is clearly in the wrong place. The Monitoring Officer may correct the name of the legislation, but not move the responsibilities.</p>
11 (b)	<p>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 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</p>	<p>Any member of the Council shall be entitled to give notice under the Procedure for a Councillor Call for Action set out in Part 9.3 Annex 1 to the Protocol on Members' Rights and Responsibilities, 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</p>	<p>There has been an update to the Constitution in which the section called Councillor Call for Action protocol has been renamed Part 9.3, having previously been called Annex 1. Part 6.2 (11) b still refers to it by its old name.</p> <p>It is recommended that this is updated to correspond with the new name.</p>

	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 of that item.	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 of that item.	
13 (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.	Where Cabinet considers a report of a Scrutiny Committee a formal written response will be agreed by the Cabinet Member within 28 days for recommendations made by the Health Overview and Scrutiny Committees, and by the Cabinet within two months for all others. These deadlines may be extended with the agreement of the Chair and Deputy Chair of the relevant Committee. The Proper Officer will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.	There exist statutory deadlines for responding to Scrutiny recommendations. Two months for 'standard' recommendations, and 28 days for those made by a Health Overview and Scrutiny Committee. The Constitution does not make reference to these. Whilst this absence does not obviate the legislation, including it within the constitution would make the Council's responsibilities clearer to all.
19 and 20	See Appendix 9	See Appendix 10	To provide clarity on the valid reasons for call-in, the call-in

			<p>procedures and dealing with the outcomes.</p> <p>To reduce the current 30 working days 'expiry' date on a call-in to 20 working days (in 19(u)), approximately a month, to speed up Council processes.</p>
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Part 6.3 Protocol on Scrutiny Participation

Section	Current text	Proposed text	Reason
All	See Appendix 11	Delete all of Part 6.3	<p>Part 6.3 of the Constitution, the Scrutiny Participation Protocol is lengthy, bureaucratic, and (in part) duplicates other sections of the Constitution.</p> <p>It is recommended that it be deleted and instead to add to the section on work programming in the Overview and Scrutiny Procedure Rules.</p>

Part 7.2 Scheme of Delegation to Officers

Section	Current text	Proposed text	Reason
6.4 (p)	to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of	to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of	The Scheme of Delegation makes reference to a body which does not

	individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Coordinating Group in each case;	individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Coordinating Group consulting with the Scrutiny Chairs and Deputy Chairs in each case;	exist, the 'Scrutiny Coordination Group'. It is recommended this is reworded to align with existing structures.
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Part 8.3 Contract Procedure Rules

Section	Current text	Proposed text	Reason
All	See Appendix 12	See Appendix 13	See Appendix 14

Part 9.2 Protocol on Members' Rights and Responsibilities

Section	Current text	Proposed text	Reason
All	See Appendix 15	Appendix 16	To reflect practice and changes made elsewhere in the Constitution as well as the Council's commitment to reducing paper. A separate protocol will address DBS checks for councillors.

Part 9.4 Policy on IT use by Members of the County Council

Section	Current text	Proposed text	Reason
All	See Appendix 17	Delete and renumber the following Parts.	The Policy is out of date and does not need to be in the Constitution.

			IT Policy is likely to change frequently and would be better distributed to Members through induction packs.
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Part 9.6 Protocol on Member-Officer Relations

Section	Current text	Proposed text	Reason
All	See Appendix 18	Appendix 19	<p>Clarification of the need to read this protocol in conjunction with other codes and protocols in the Constitution.</p> <p>New sections included:</p> <ul style="list-style-type: none"> • 3.1.2 to highlight the role of members to promote and ensure equality, diversity and inclusion; • 7 Contact between Members and Officers setting out expectations • 8 Access to Information clarifying and setting out expectations

Part 10.1 Member Allowances

Section	Current text	Proposed text	Reason
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1, 17, 18 and Schedule 1	See Appendix 20 (Rates for 2023/24)	See Appendix 21 (Rates for 2024/25)	The application of the annual indexing policy in the Member Allowances Scheme.
10	Subject to paragraph 13, an allowance shall be paid to:	Subject to paragraph 12 3 , an allowance shall be paid to:	Correction of reference.
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.	Subject to paragraph 12 3 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.	Correction of reference.
22	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;	A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme: (a) shall be made in writing or electronically within two months from the date of performance of the duty in respect of which the claim is made;	Claims are now made primarily via an internet system.
25	A councillor may at any time and for any period, by notice in writing to the Chief Executive Officer, elect to forego any part of his/her	A councillor may at any time and for any period, by notice in writing or electronically to the Chief Executive Officer, elect to forego	To make it clear that e-mail communication is also acceptable.

	entitlement to an allowance under this Scheme	any part of his/her entitlement to an allowance under this Scheme	
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Part 1.2 How Oxfordshire County Council Operates

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.

* Appropriate arrangements for the provision of a library service	
* Community Safety Partnership Strategies	Sections 5 and 6 Crime and Disorder Act
* Local Transport Plan	Section 108(3) Transport Act 2000
* Development Plan documents (includes Minerals & Waste Development Plan documents)	Sections 15 & 16 Planning and Compulsory Purchase Order 2004
* Youth Justice Plan	Section 40 Crime and Disorder Act 1998
* Medium Term Corporate Plan	Section 111 Local Government Act 1972

Part 1.2 How Oxfordshire County Council Operates

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. **A full list of the responsibilities of Council is set out below.**

The Full Council will ordinarily meet ~~67~~ 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 **Policy Framework Corporate Plan (see below) comprising those plans and strategies as set out in Table 2.A 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) **undertaking** 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) **undertaking** 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) **agreeing to the creation of new posts established with an annual salary exceeding £100,000; and**
- (n) 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.~~

* Appropriate arrangements for the provision of a library service	
* Community Safety Partnership Strategies	Sections 5 and 6 Crime and Disorder Act
* Local Transport Plan	Section 108(3) Transport Act 2000
* Development Plan documents (includes Minerals & Waste Development Plan documents)	Sections 15 & 16 Planning and Compulsory Purchase Order 2004
* Youth Justice Plan	Section 40 Crime and Disorder Act 1998
* Medium Term Corporate Plan	Section 111 Local Government Act 1972

Further to (b) in the above list, the plans and strategies comprising the Budget and Policy Framework are as contained in the following Table 2.A and current versions of these plans and strategies will appear on the Council's website:

Table 2.A

Plan/strategy	Statutory basis
Budget The budget is decided upon at the February meeting of Council each year and 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, spending plans in the revenue budget and capital programme, the capital investment strategy, treasury management strategy statement, annual investment strategy and the setting of virement limits	Local Government Finance Act 1992 and Local Government Act 2003
Corporate Plan Approved by Council on a four-yearly basis with annual updates being reported to Cabinet and then to Council	Section 111 Local Government Act 1972
Children and Young People's Plan	The Children and Young People's Plan (England) Regulations 2005
Local Transport Plan	Section 108(3) Transport Act 2000
Local Development Scheme and Development Plan Documents (including Minerals and Waste)	Section 15 Planning and Compulsory Purchase Order Act 2004
Youth Justice Plan	Section 40 Crime and Disorder Act 1998
Library plan	s1(2) Public Libraries and Museums Act 1964
Community Safety Partnership Strategy	Sections 5 and 6 Crime and Disorder Act 1998

The Budget and Policy Framework set out in the above table may be amended to include such other plans or strategies as may be specified by the Council as part of the Budget and Policy Framework from time to time.

Part 4.6 Transport Advisory Panel

1. Transport Advisory Panel

The Cabinet will appoint a Transport Advisory Panel to support the Cabinet Member for transport with their 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.

Part 5.1B Health & Wellbeing Board

1. Health & Wellbeing Board

The Council must establish a Health & Wellbeing Board¹. 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 Assessment² to help determine the priorities and objectives for health and social care services across Oxfordshire
- (2) Prepare a Joint Health & Wellbeing Strategy³ 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.

¹ 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

^{2 3} 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 membership⁴ 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;

⁴ 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 Integrated Care Board 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](#).

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Part 5.1B Oxfordshire Health & Wellbeing Board Terms of Reference

1. Health & Wellbeing Board

The **Oxfordshire County Council and NHS have a duty to** ~~must~~ establish a Health & Wellbeing Board¹. The Board ~~is 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:~~

(1) Create and own a single unifying vision for the improvement of the Health and Wellbeing of Oxfordshire residents;

(2) Create, own and monitor a comprehensive high-level ~~Prepare a Joint Local Health and Wellbeing Strategy² for the whole population~~ **improvement of the Health and Wellbeing of Oxfordshire residents;**

(3) Agree a suite of strategies which will be created and monitored by its sub-committees and sub-groups. These will flow from the overarching Joint Local Health and Wellbeing Strategy;

(4) Monitor the implementation of its strategies and the member organisations will hold one another to account for delivery. The Board will receive regular reports from its sub-committees and sub-groups based on outcome measures set by each;

(5) ~~(4)~~ Prepare a Joint Strategic Needs Assessment,³ to describe the health needs of the population and help to determine the priorities and objectives for health and social care services across Oxfordshire, and a Pharmaceutical Needs Assessment⁴ to assess and set out how the provision of pharmaceutical services can meet the health needs of the population for a period of up to three years, linking closely to the Joint Strategic Needs Assessment;

¹ 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

² In accordance with sections 116 and 116A of the Local Government and Public Involvement of Health Act 2007

³ In accordance with sections 116 and 116A of the Local Government and Public Involvement of Health Act 2007

⁴ National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

(6) ~~(3)~~ Oversee the joint commissioning arrangements for health & social care across the county **and be the accountable body for the Better Care Fund**;

(7) ~~(4)~~ Maintain oversight of the commissioning intentions of both the **Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB)** ~~Oxfordshire Clinical Commissioning Group~~ and the Council;

(8) ~~(5)~~ Generally exercise the functions of the Council and its partner **ICB** ~~clinical commissioning groups~~ under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act");

(9) ~~(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);

(10) ~~(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;

(11) ~~(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;

(12) ~~(9)~~ Establish and monitor Partnership Boards as required to help deliver required service change and improved outcomes.

Additionally, the Board may:

(13) ~~(10)~~ Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health & Wellbeing Board;

(14) ~~(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;

(15) ~~(12)~~ Give the Council its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act;

(16) Receive annual reports from Adult Safeguarding Board(s) and Children Safeguarding Board(s).

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 Health and Wellbeing Board will involve Integrated Care System and wider partners.** The membership⁵ of the Health & Wellbeing Board will be:

⁵ The membership is to be interpreted as the membership specified by Section 194 of the Health and Social Care Act 2012.

- (1) ~~(1) County councillors as nominated to the Council by the Leader of the Council; (2) The Leader of the Oxfordshire County Council, instead of or in addition to (1), as the leader may determine~~ – Chair;
- (2) **ICB Clinical Lead with Oxfordshire responsibilities;**
- (3) **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;**
- (4) **Cabinet Members of the County Council with responsibility for Adult Social Care, Children & Family Services and Public Health;**
- (5) ~~(8) A Representative of the Thames Valley NHS Commissioning group~~ **Place Director Oxfordshire ICB;**
- (6) **Chief Executive Oxford University Hospitals NHS Foundation Trust;**
- (7) **Chief Executive Oxford Health NHS Foundation Trust;**
- (8) **Chief Executive Oxfordshire County Council;**
- (9) **One Chief Executive representative from City & District Councils;**
- (10) ~~(6) One representative from the local A Healthwatch organisation~~ **representative for the county;**
- (11) ~~(4) The Director for Children's Services;~~
- (12) ~~(3) The Director for Adult Social Care Services, Oxfordshire County Council and Director of Strategy & Transformation Oxfordshire Clinical Commissioning Group;~~
- (13) ~~(5) The Director of for Public Health;~~
- (14) **An NHS England representative;**
- (15) ~~(7) One representative from Oxfordshire clinical commissioning group~~ **One Primary Care provider representative;**
- (16) ~~(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;~~
- (17) ~~(10) Such additional persons as the Health & Wellbeing Board may determine.~~

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

~~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 Lead in ICB for Oxfordshire Place Integrated Care Board** 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 sub-group (or of any joint sub-committee of two or more such boards) shall be treated as voting members of the Board or sub-committee **or sub-group**, 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 **or sub-group**) will have a second or casting vote.

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

Virtual attendance (new section)

Board Members are required to attend formal Board meetings in person. Guest speakers and report authors may use hybrid/virtual meeting arrangements to participate at the meeting.

Public statements (new section)

Members of the public can make their statements in person or via hybrid/virtual meeting arrangements.

6. Validity of Proceedings

The Health & Wellbeing Board (and any sub-committees **or sub groups**) will operate according to **the Council's** ~~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, **except where set out in these Terms of Reference** the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by **the** 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 **People** ~~Council's relevant~~ Overview and Scrutiny Committee.

The Board may also ask a Scrutiny ~~Committee~~ **Page 124**, 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 **or sub-groups**) are subject to the County Council's Members' Code of Conduct. This includes the requirement to register Disclosable or Registerable 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 **or sub-group**), 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. **Substitutions should be communicated to the Chair of the Board in advance of the meeting.**

Quorum (new section)

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 **four** ~~three~~ times a year. The Board may meet informally, and not in public, at other times e.g. for purposes of informal group discussion, 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~~ Sub-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 - **groups or 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~~ **Reference Group**.

(12.) Appointment of Sub-Committees and Sub-Groups

The Health & Wellbeing Board may appoint sub-committees **or sub-groups**. The Board may appoint one or more sub-committees **or sub-groups** 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 **or sub-groups** to advise the Board with respect to any matter relating to the discharge of the Board's functions.

The membership of any sub-committees **or sub-groups** will be for the Board to determine. The sub-committees **and sub-groups** 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 **or sub-group** 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 **Sub-Groups** may appoint one or more **include** advisory groups **or** working groups **or** **and** other such informal task and finish groups, to assist with any of **the Board's** 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](#).~~

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:

- a) it is a proposal to establish or dissolve or vary the constitution of the ICB or establish or dissolve an NHS Trust unless the proposal involves a substantial development or variation.
- b) proposals are part of a trust's special administrator's report or draft report (i.e. 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.
- c) 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:

- d) 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)
- e) that the proposal would be in the interests of the health service in Oxfordshire
- f) 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 they consider appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken.

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Part 6.1B (18) – Duty of NHS Bodies to Consult

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:

- a) it is a proposal to establish or dissolve or vary the constitution of the ICB or establish or dissolve an NHS Trust unless the proposal involves a substantial development or variation.
- b) proposals are part of a trust's special administrator's report or draft report (i.e. 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.
- c) 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.

Under Regulation 26(2) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny), where an NHS or health service provides, or arranges for the provision of, services to persons residing within the area of several local authorities, its duty under paragraph (1) will be satisfied if it provides information to the joint overview and scrutiny committee of those authorities. The Buckinghamshire, Oxfordshire, and Berkshire West Joint Health Overview and Scrutiny Committee qualifies as the joint overview and scrutiny committee to be informed when a variation in services will affect residents across the Buckinghamshire, Oxfordshire, and Berkshire West Geography as a collective.

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

- d) consultation **with the local authority** 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)~~

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

- e) that the proposal would be in the interests of the health service in Oxfordshire
- f) a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate

The Department of Health and Social Care expects requests only to be used in exceptional situations where local resolution has not been reached and expects that all reasonable attempts at local resolution should be attempted and exhausted Prior to making such a request the Committee will normally:

- i) allow all reasonable steps for local resolution to be taken
- ii) request the NHS body or health service provider to complete a substantial change toolkit if one has not been previously provided, and invite its representatives to a meeting of the committee
- iii) to determine whether the change proposed meets the threshold of being a 'substantial variation', whether all reasonable steps for local resolution have been exhausted, and whether the consultation or impact on health outcomes provide a legal basis to request a call-in by the Secretary of State.

A call-in request to the Secretary of State may require the NHS body to carry out consultation or further consultation with only be made by a decision of the Committee as they consider appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken. If such a request is made, the Scrutiny Officer will submit on behalf of the Committee a call-in request form to the Secretary of State. This form will include:

- a description of the NHS service change or reconfiguration
- the reason the Committee requesting that the Secretary of State intervene, its concerns and what the Committee would like the Secretary of State to do in response
- whether the Committee believes there has been a failure of process in relation to consultation, and its evidence
- whether the Committee believes a decision has been taken which is not in the best interest of the health service in the local area, and its evidence
- detail of the steps taken to resolve issues locally

~~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:~~

- ~~g) 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~~
- ~~h) 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 (i.e. where councils have chosen to appoint the joint committee to carry out specified functions) and mandatory joint committees (i.e. 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):~~

- ~~i) where the power to refer has been delegated to the joint committee, only the joint committee may make a referral.~~
- ~~j) 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:~~

- ~~k) An explanation of the proposal to which the report relates.~~
- ~~l) An explanation of the reasons for making the referral.~~
- ~~m) Evidence in support of these reasons.~~
- ~~n) Where the proposal is referred because of inadequate consultation, the reasons why the Committee is not satisfied of its adequacy.~~
- ~~o) 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.~~
- ~~p) 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.~~

- ~~q) An explanation of any steps that the Committee has taken to try to reach agreement with the relevant NHS body or health service provider.~~
- ~~r) Evidence that the health scrutiny body has complied with the requirements which apply where a recommendation has been made.~~
- ~~s) 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.~~

BOB HOSC Terms of Reference

Joint Health Overview and Scrutiny Committee (Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham) Terms of Reference

Purpose

1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
2. The NHS Long Term Plan (published at the beginning of 2019) sets out the vision and ambition for the NHS for the next 10 years. It states - "Every Integrated Care System will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level." The purpose of the JHOSC would be to hold to account and challenge these commissioning decisions at system level. This function would be new and a different part of local health scrutiny arrangements. The powers and duties of health scrutiny would remain unchanged at Place, Locality and Neighbourhood level (see definitions below). The creation of a JHOSC to scrutinise system level decisions would strengthen existing scrutiny arrangements.
3. These terms of reference set out the arrangements for Buckinghamshire Council, Oxfordshire County Council, Reading Borough Council, West Berkshire Council, Wokingham Borough Council, to operate a JHOSC in line with the provisions set out in the legislation and guidance and to allow it to operate as a mandatory committee.

Terms of Reference

4. The new JHOSC will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny to activities delivered at a system level (as detailed below) by the Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care System.
5. The Kings Fund published a report in April 2020 "Integrated Care Systems explained: making sense of systems, places and neighbourhoods" which says that NHS England and NHS Improvement has adopted the terminology used in some systems to describe a three tiered model – System, Place and Neighbourhood:

- System - typically covering a population of 13 million people. Key functions include setting and leading overall strategy, maintaining collective resources and performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation.
 - Place a town or district within an ICS, typically covering a population of 250,000. This is where the majority of changes to clinical services will be designed and delivered and where population health management will be used to target intervention to particular groups. At this level, providers may work together to join up their services through alliances and more formal contractual arrangements.
 - Neighbourhood – a small area, typically covering a population of 30-50,000 where groups of GPs and community-based services work together to deliver coordinated, proactive care and support, particularly for groups and individuals with the most complex needs. Primary Care Networks and multi-disciplinary community teams form at this level.
6. In addition, a fourth Locality tier operates below the 'Place' tier, but only within Berkshire West. These Localities coincide with the individual local authorities of Reading Borough Council, West Berkshire Council and Wokingham Borough Council and reflect the geography of their Health and Wellbeing Boards and Public Health, Adult Services and Children's Services functions. Joint working with Health Services also takes place at this level, e.g. through Locality Integration Boards.
7. Activities at Place, Locality and Neighbourhood would be scrutinised by the relevant local authority through their existing health scrutiny arrangements.
8. The purpose of the mandatory JHOSC across Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham is to:
- a. make comments on the proposal consulted on
 - b. require the provision of information about the proposal
 - c. gather evidence from key stakeholders, including members of the public
 - d. require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
 - e. Refer to the Secretary of State only on 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 authorities, and not consultation with other stakeholders)
 - the proposal would not be in the interests of the health service in the area
 - a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.

9. Notwithstanding point (e) above, Member authorities have the right to refer an issue to the Department of Health if the joint health scrutiny committee does not collectively agree to refer an issue.
10. With the exception of those matters referred to in paragraph [3] above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.
11. The process for determining the appropriate level of scrutiny – ie. System or Place/Locality/Neighbourhood will be in agreement with an agreed toolkit which will set out the process for initiating early dialogue between ICS Leads and Members of the JHOSC. All constituent authorities will be notified of the outcome of these discussions.
12. No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

Governance

13. Meetings of the JHOSC will be conducted under the Standing Orders of the Local Authority hosting and providing democratic services support and subject to these terms of reference.

Frequency of meetings

14. The JHOSC will meet at least twice a year with the Integrated Care System Leads to ensure oversight of key priorities and deliverables at system level.

Host authority

15. The JHOSC would be hosted by one of the named authorities. The role of host authority would be undertaken by the chairing authority for the same time period [24 months].

Membership

16. Membership of the JHOSC will be appointed by Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham that have responsibility for discharging health scrutiny functions.
17. Appointments to the JHOSC have regard to the proportion of patient flow. The Joint Committee will therefore have 19 members, consisting of 6 from Buckinghamshire, 7 from Oxfordshire, 2 from Reading, 2 from West Berkshire, 2 from Wokingham.
18. Appointments by each authority to the JHOSC will reflect the political balance of that authority.

19. The quorum for meetings will be 6 voting members, comprising at least one member from each authority. Member substitutes from each authority will be accepted.
20. The JHOSC shall reserve the right to consider the appointment of additional temporary coopted members in order to bring specialist knowledge onto the committee to inform specific work streams or agenda items. Any coopted member appointed will not have a vote.
21. The five Healthwatch organisations shall be recognised as key stakeholders and a standing item will be included on the JHOSC agenda to allow the organisations to report back on patient and public views from across the ICS.

Chair & Vice Chair.

22. The Chair of the JHOSC shall be drawn from the members of it and will normally be filled by the member whose authority is hosting the Committee for a period of 24 months.
23. The Vice Chair of the JHOSC shall be drawn from members on the Committee and elected every 24 months.

Task & Finish Groups

24. 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 and geographical balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

Committee support

25. The work of the JHOSC will require support in terms of overall coordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
26. Meetings of the committee are to be arranged and held by the host authority.
27. Should a press statement or press release need to be made by the JHOSC, this will be approved by all authorities before being signed off by the Chair.

Current Call-in and Urgency rules in part 6.2 of constitution

(19) Call In

- (a) When a decision is made by the Cabinet or by an individual councillor 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 they receive 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 voting members of the Education and Young 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 19(c) above, they shall then notify the decision maker of the call in. They shall then call a meeting of the appropriate Scrutiny Committee on such date as they 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 (19)(c) the Overview and 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 (19)(d), (e), (f) and (g) of this Part, 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 Rule 20(a) to obtain the agreement of the Chair of the Council, Vice-Chair of the Council 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.

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Proposed call-in procedure – to be included in the Overview and scrutiny procedure rules -part 6.2 of constitution

(19) Call In

Introduction and Publication of a Decision

- (a) **The Call-in procedure applies to any Key Decision taken by Cabinet collectively or by a single member, a committee of Cabinet or under joint arrangements. It also applies to those officer decisions that are key decisions and which are taken under delegated authority.**
- (b) **The procedure also applies to executive decisions taken that are outside of the Council agreed Budget and Policy Framework.**

~~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) ~~(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 Education and Young People** Overview and Scrutiny Committee.

~~During that period, the Proper Officer shall call in a decision for scrutiny by the appropriate Scrutiny Committee:-~~

- ~~(i) If they receive 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 voting members of the Education and Young 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 19(c) above, they shall then notify the decision maker of the call in. They shall then call a meeting of the appropriate Scrutiny Committee on such date as they may determine, where possible after consultation with the Chair and Deputy Chair of that Committee. Subject to the statutory requirements for the call in 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) ~~(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~~ **third** working day (4pm on the ~~fifth~~ **third** working day if that day is a Friday) following such publication of the decision.

~~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 (19)(c) the Overview and 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.~~

Reasons for Call-in

- (e) **Oxfordshire County Council Call-in procedure is a key check and balance in ensuring that decisions are taken in line with the Constitution. Part 1.3 (2) of the Constitution states that all decisions of the Council or taken by or on behalf of the Council, will be made in accordance with the following principles:**
- i. proportionality (i.e. the action must be proportionate to the desired outcome);**
 - ii. due consultation and the taking of professional advice from officers;**
 - iii. respect for human rights, diversity and equality, and the natural and built environment;**
 - iv. a presumption in favour of openness;**
 - v. clarity of aims and desired outcomes; and**
 - vi. 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.**

~~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) **A decision can be called in providing that Members can provide reasonable evidence that the decision was not taken in accordance with the Council's principles of decision-making or that is perceived to be outside of the Council's Budget and Policy Framework.**

~~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.~~

Requirements for Call-in Consideration

- (g) ~~(e)~~ **In order to ensure that Call-In is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for Call-In:**
- i. **The request for a call-in must be submitted through completion and submission of the Council's Call-in request form; and**
 - ii. ~~(i) if s/he receives a joint request from~~ **The request must be supported by** the Chair and Deputy Chair of the relevant Scrutiny Committee; or
 - iii. ~~(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 Education and Young People Overview and Scrutiny Committee); or~~
 - iv. ~~(iii) if requested to do so by~~ **any 10 members of the Council, whether or not they are members of the relevant Scrutiny Committee.**

~~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 (19)(d), (e), (f) and (g) of this Part, 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 request for Call-In must be received by the Monitoring Officer by 12 noon on the third day following publication of the decision. The request for Call-In should either be submitted:**
- i. **In Hard Copy: including the signatures of the Councillor requesting the Call-In and those Councillors supporting the Call-In.**

- ii. **Electronically: to democratic.services@oxfordshire.gov.uk. The Councillor requesting the Call-In must submit the form and each Councillor supporting the Call-In must send an email in support. All emails must be sent from the Councillors' individual Oxfordshire County Council email addresses**

~~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.~~
- (i) **(e) In all cases, when a request for a Call-in of a decision is made, this must be accompanied by reasons for the request which must be detailed in the Call-in request form. The request for Call-In must specify the reason they consider there has been an alleged breach of at least one principle of decision making.**

Suspension of the Decision

- (j) **Upon receipt of a Call-in request the Monitoring Officer will immediately suspend the decision to allow the Call-in process to take place.**
- (k) ~~(e)~~ When the ~~Proper~~ **Monitoring** Officer receives a request in accordance with ~~(e)~~ **(g)** above, ~~s/he~~ **they** shall notify the decision maker of the call-in.
- (l) ~~(e)~~ ~~s/he~~ **They** shall call a meeting of the appropriate Scrutiny Committee on such date as they 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 appropriate Scrutiny Committee shall be identified by the Monitoring Officer in line with the remit identified for each Committee through its terms of reference.**
- (m) ~~(e)~~ 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~~ **Monitoring** Officer to consider the issue

Assessing Validity of a Call-in

- (n) Upon receipt of any Call-In request, the Monitoring Officer will assess the Call-In form and the information supporting the alleged breach(es) of the principles of decision making, to determine whether the request meets the requirements set out in this procedure.
- (o) The Monitoring Officer will have the final say as to whether the request is a valid Call-In, with the presumption in favour of it being valid. A written rationale for this assessment will be provided to i) members of the Cabinet, ii) the Chair and Deputy-Chair of the relevant Scrutiny Committee, and iii) the members named on the call-in request form. If the Call-in request is deemed invalid, the assessment will be reported by the Director of Law and Governance and Monitoring Officer to the next meeting of the relevant Scrutiny Committee.
- (p) The decision will remain suspended until the Monitoring Officer has completed their assessment of the request. If the Call-In request is deemed valid, the decision will remain suspended to enable the consideration of the Call-In to take place, as detailed below.

Process of a Call-in Meeting

- (q) The Scrutiny Committee identified by the Monitoring Officer for consideration of the Call-in will meet to consider the Call-in request.
- (r) The process for consideration of the Call-in will as a minimum include the following:
 - i. Chair explains purpose of call-in process (in line with principles of decision-making) and details the decision that has been called-in
 - ii. Councillor who submitted call-in request attends and speaks on call-in (5 minutes)
 - iii. Other Councillors who supported call-in attend and are provided with opportunity to speak (maximum of 10 minutes in total)
 - iv. Local (Division) Councillors may attend and can speak (timing is at Chair's discretion based on number of speakers)
 - v. Relevant Cabinet Member(s) and, by invitation, invited supporting officers to respond to the Call-in (maximum of 15 minutes in total)
 - vi. Overview and Scrutiny Committee questions to speakers above through direction of Chair
 - vii. Overview and Scrutiny Committee deliberations and outcome through direction of the Chair

Outcomes of a Call-in

- (s) **When considering a call-in, the Overview and Scrutiny Committee has the following options:**

 - i. **Uphold the original decision – the original decision stands and can be implemented.**
 - ii. **Uphold the Call-in – the decision is deemed to have been taken without compliance with the principles of decision-making detailed in the Constitution and is referred for further consideration.**
- (t) **If the Overview and Scrutiny Committee decides to uphold the Call-in then it has the following options:**

 - i. **Refer the decision to the relevant Cabinet member (if the original decision was taken by an officer) for reconsideration**
 - ii. **Refer the decision to Cabinet for reconsideration (if a Cabinet Member decision or a Cabinet decision)**
 - iii. **Refer the decision to Full Council if the decision was contrary to the Council's Budget and Policy Framework**
- (u) **If following a request for a call-in made under Rule (g) 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 20 working day period commencing with the date on which the request was received by the Proper Officer, whichever is the earlier.**
- (v) **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.**
- (w) **If the matter was referred to the Council on the basis it was determined by the relevant Scrutiny Committee that the decision taken was contrary to the Council's budget and policy framework, Part 3.2 (6) – Call-in of Decisions Outside the Budget or Policy Framework – will apply.**
- (x) **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.**

- (y) 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 to the time limit in (m), 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. Likewise, these members may agree to extend the time limit for decisions which have been referred back to the original decision-maker.

EXEMPTIONS

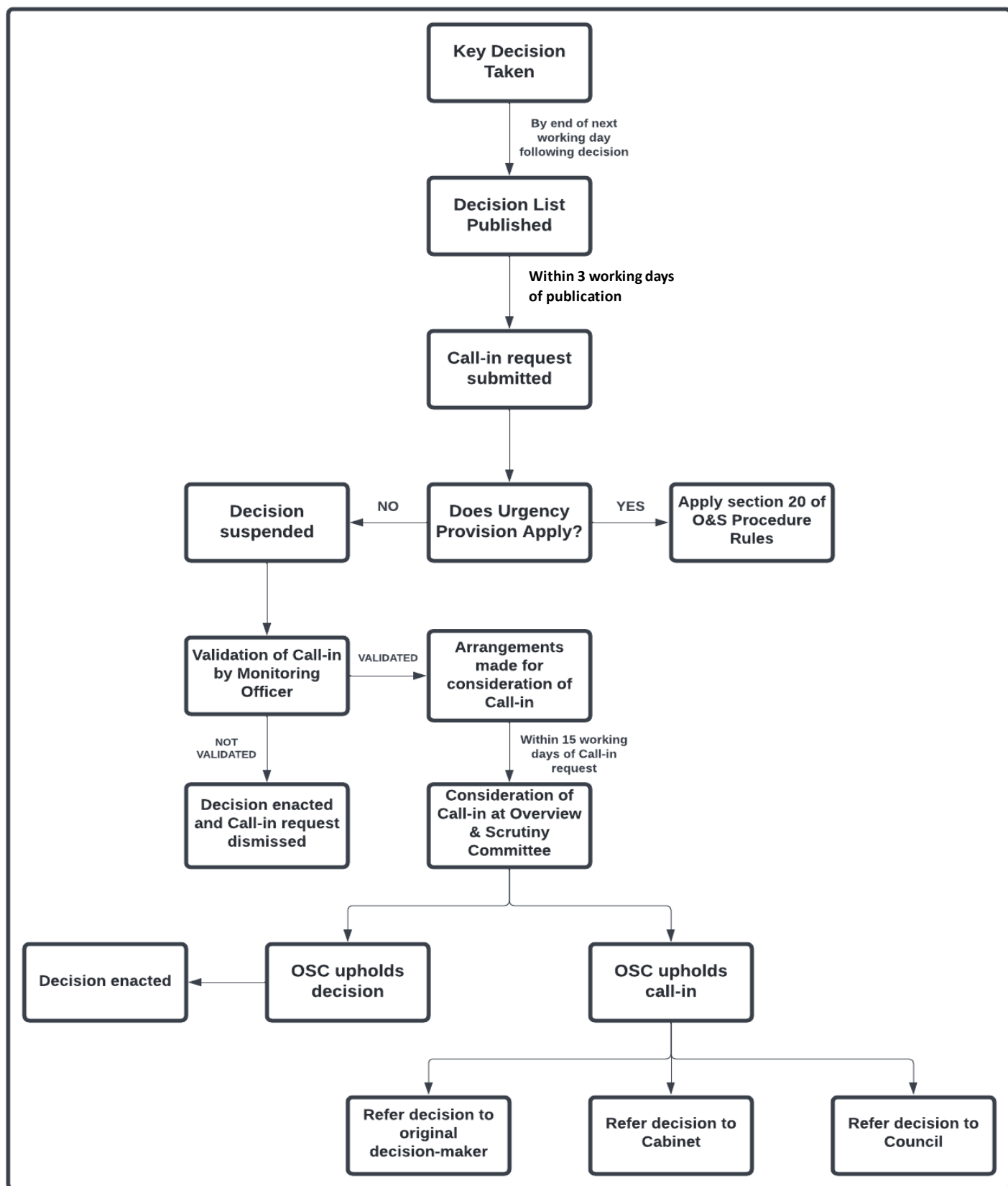
- (z) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:
- i. the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is 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.
 - iii. The decision is urgent

(20) Call In and Urgency

- (a) ~~(a)~~ 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.
- (b) ~~(a)~~ 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 **Monitoring** ~~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.
- (c) ~~(b)~~ The requirement contained in the foregoing provision of this rule to obtain the agreement of the Chair of the Council, Vice-Chair of the Council or ~~Proper~~ **Monitoring** 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.

- (d) ~~(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.

ANNEX: PROPOSED CALL-IN PROCEDURE FLOWCHART





OVERVIEW AND SCRUTINY CALL-IN REQUEST FORM

This is a request to Call-in a key decision or a decision taken that is outside the Council's budget and policy framework.

Decision Title:	
Decision Detail:	
Date of Decision:	
Decision taken by: <i>(Cabinet, Cabinet Member, Officer)</i>	
Date of Call-in request:	

A Call-in request can only be made if you believe that a decision taken is not in accordance with the Council's Principles of Decision-Making, as detailed in Part 1.3 (2) of the Constitution or is outside of the Budget and Policy Framework as detailed in Part 1.2 (2) of the Constitution.

Which of the Principles of Decision-Making of Oxfordshire County Council do you believe the decision did not take into account? *(please tick)*

<input type="checkbox"/>	proportionality (i.e. the action must be proportionate to the desired outcome);
<input type="checkbox"/>	due consultation and the taking of professional advice from officers;
<input type="checkbox"/>	respect for human rights, diversity and equality, and the natural and built environment;
<input type="checkbox"/>	a presumption in favour of openness;
<input type="checkbox"/>	clarity of aims and desired outcomes; and
<input type="checkbox"/>	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.
OR	The decision is outside of the Budget and Policy Framework

Please provide an explanation of why you believe the identified principle(s) above have not been taken into account:

Please provide any evidence which demonstrates and/or supports your Call-in request:

Do you request provision of any documentation for consideration at a subsequent Call-in hearing? If so please provide details below:

YES	
NO	

--

Do you request any particular witnesses attend consideration at a subsequent Call-in hearing? If so please provide details below:

YES	
NO	

--

Call-in Request submitted by: (Print name)	Councillor
Signed:	

A Call-in must be submitted by the required number of Councillors as identified in section (g) of the Call-in procedure. Please tick which group is supporting this Call-in:

Chair and Deputy Chair of OSC:		5 Members of a OSC:		10 Members of the Council:	
--------------------------------	--	---------------------	--	----------------------------	--

Please provide names of supporting individuals below. Please note that each supporting individual must submit confirmation of support for this Call-in to the Monitoring Officer via email or in hard copy.

Name:

The request for Call-In must be received by the Monitoring Officer by 12 noon on the third day following publication of the decision. The request for Call-In should either be submitted:

- ☐ **In Hard Copy:** including the signatures of the Councillor requesting the Call-In and those Councillors supporting the Call-In.
- ☐ **Electronically:** to democratic.services@oxfordshire.gov.uk. The Councillor requesting the Call-In must submit the form and each Councillor supporting the Call-In must send an email in support. All emails must be sent from the Councillors' individual Oxfordshire County Council email addresses

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Part 6.3 Protocol on Overview and Scrutiny Participation

(1) Introduction & Context

The Council's Overview and 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 councillors 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 at Part 6.2 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

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

Overview and 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 an Overview and Scrutiny committee, must be accompanied by a brief description of what the stakeholder/public would like to see reviewed and be submitted to the Scrutiny Manager;
- (b) Representatives of stakeholder organisations and members of the public will be able to address the relevant Overview and 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

- (c) committee concerned and other reviews commissioned and will be at the discretion of that Overview and Scrutiny committee.
- (d) The Scrutiny Manager, having consulted the Chair and the Deputy Chair of the relevant Overview and 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.
- (e) 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 Overview and 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.

OXFORDSHIRE COUNTY COUNCIL
CONTRACT PROCEDURE RULES

Contract Procedure Rules for the Supply of Goods, Services and Works

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Contract Procedure Rules for the Supply of Goods, Services and Works

CHAPTER ONE: BASIC PRINCIPLES

1. Compliance with these Rules, Council Policies, Relevant Legislation and Legal Requirements

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 Rules¹. Further, these Rules apply to arrangements which the Council wishes to enter into in consequence of it having received a 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.

What contracts must comply with

1.5 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;
- (iii) any relevant Council policies/regulations; and

¹ See in particular Rules 1.12 and 1.13

- (iv) any legal requirement stipulated by the Director of Law & Governance.
- 1.6 The procurement and award of Contracts must comply with the principles of non-discrimination transparency equal treatment and proportionality.
- 1.7 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.
- 1.8 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.
- 1.9 These Rules must be read in conjunction with the *Procurement Strategy* and the *Procurement Handbook* which provide guidance on compliance with these Rules.

Scope

- 1.10 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 Executive Director of Resources and 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 the 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.

- 1.11 Certain Rules on tendering do not apply in certain situations or to certain specific contracts. Authorised Officers should refer to Rules 17 and 18 of this Part of the Constitution for details.
- 1.12 In exceptional circumstances, exemptions to these Rules may be granted. Authorised Officers should refer to Rule 19 of this Part, for details.

2. Where to get advice

- 2.1 Officers requiring advice on procurement practice and the Procurement Regulations should contact the Relevant Procurement Team
- 2.2 Officers requiring Contracts, terms and conditions or legal advice should contact Legal Services.
- 2.3 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

3. Pre-Tender Authorisations, Requirements and Market Engagement

- 3.1 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, paragraph 3 (Decision Making), Part 4.2, para 2.3 (Cabinet Procedure Rules) and Part 8.1, para.13 (Access to Information Procedure Rules) of the Constitution have been complied with;
 - (ii) the provisions of the Financial Procedure Rules at Part 8.2 of the Constitution 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 this Part (unless authorisation has been obtained under the Financial Procedure Rules, Part 8.2 of the Constitution)²:

² See Rule 4 for details of establishing the value of a contract and see Rule 21 for details of Schemes of Delegation

- (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.

3.2 The Relevant Procurement Team and Legal Services (with the exception of (iv) below) must be notified before officers enter into any procurement process 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).

3.3 Prior to the commencement of any procurement exercise:

3.3.1 The Service Manager Pensions and the Director of Workforce 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.

3.3.2 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.

- 3.3.3 The Director of Digital and ICT 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.
- 3.3.4 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.
- 3.3.5 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.
- 3.3.6 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 Executive Director of Resources and 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.
- 3.4 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

- 3.5 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.

- 3.6 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 Procurement Hub 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.

4. Establishing the Value of the Contract/Expenditure per Contract

- 4.1 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 applicable). Table 1 in Rule 5.4 (iii) of this Part below, shows the Procurement Regulation Thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation
- 4.2 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 (iii) of this Part below, shows the thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation.
- 4.3 Contracts must not be split into smaller contracts in order to avoid any of these Rules.
- 4.4 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 of this Part.
- 4.5 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 4, should include the likely value of such additional work.

CHAPTER THREE: THE PROCUREMENT PROCESS

5. Procurement Thresholds

- 5.1 Please refer to Appendix 2, Table 2 of this Part, for the procurement thresholds and the process to be followed.
- 5.2 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.
- 5.3 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.
- 5.4 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 type³

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.

Table 1

	Threshold (from 1 January 2024) (incl. VAT)
Goods & Services	£214,904 <i>(£179, 086.67 excl VAT @ 20%)</i>
Works & Concessions	£5,372,609 <i>(£4,477,174.17excl VAT @ 20%)</i>

³ Authorised Officers should consult the Relevant Procurement Team for advice on calculating this amount.

Social and other specific services under Schedule 3 of the Public Contracts Regulations 2015	£663,540 <i>(£552,950 excl of VAT @20%)</i>
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- 5.5 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 EU Tender, there must be full compliance with Procurement Regulations when awarding Call-off Contracts under it.

6. Pre-Qualification Requirements/Minimum Standards for Suppliers

- 6.1 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.
- 6.2 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.

7. Invitations to Tender/Request for Quotations

- 7.1 An Invitation to Tender/Request For Quotation must be sent out for all procurement processes listed in Appendix 2, Table 2 of the Part.
- 7.2 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 Bidders 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.
- 7.3 The list of requirements in Rule 7.2 of this Part, is not exhaustive and any and all additional requirements of the Relevant Procurement Team must also be met.

8. Evaluation Criteria

- 8.1 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.
- 8.2 The evaluation process must clearly demonstrate that the Council is seeking to identify the quotation or tender which offers the best value for money i.e. the Most Economically Advantage Tender (MEAT) (see Rule 5 of this Part).

9. Terms and Conditions of Contracts

- 9.1 Terms and conditions for all contracts for goods, services and works with a value of £25,000 or more (and preferably all other contracts, particularly consultancy contracts to ensure that all intellectual property rights are transferred to the Council and no employee or worker rights are acquired by the consultant) must be in accordance with terms and conditions prepared or approved by the Director of Law & Governance and Monitoring Officer, unless otherwise agreed by the Director of Law & Governance and Monitoring Officer.
- 9.2 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 and Monitoring Officer 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.
- 9.3 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.
- 9.4 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 and Monitoring Officer.
- 9.5 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.
- 9.6 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 Monitoring Officer and the Relevant Procurement Team.

10. Receipt of Tenders (including under Framework Agreements) and Opening of Tenders

- 10.1 All tenders/quotations must be submitted online via the Tendering Portal No.
- 10.2 Paper copies are acceptable.

11. Evaluation of Tenders or Quotations

- 11.1 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.
- 11.2 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.
- 11.3 Authorised Officers must compare submitted tender prices with any project appraisal or pre-tender estimates. 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 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

12. Authorisation for the Award of Contracts

- 12.1 Contracts may only be awarded by the Council if there has been full compliance with these Rules and the *Financial Procedure Rules*.
- 12.2 Tenders may be evaluated and recommended for acceptance as follows⁴:
- 12.3 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.
- 12.4 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).
- 12.5 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, paragraph 3 of the Constitution must be complied with before the contract is awarded.

13. Procedure for Award of Contracts

- 13.1 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.
- 13.2 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 and Monitoring Officer, Executive Director of Resources

⁴ Note that "Director" and "S151 Officer" includes any officer to whom the Director and S151 Officer may have delegated their function pursuant to the relevant Scheme of Delegation (see Part 7.1)

and S151 Officer, the Relevant Procurement Team and the relevant Executive Director or Director.

- 13.3 All contracts must be in writing and should be held on the council's contract management system
- 13.4 Except where otherwise stated in Appendix 2 of this Part, 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).
- 13.5 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 Relevant Procurement Team can publish details of the contract award in accordance with any legal requirements and
 - (ii) comply with any reporting requirements.

14. Commencement of Contracts

No supply of goods, services or works must commence until all contract documentation is duly completed (see Rule 13 above) except:

- 14.1 in cases of emergency falling under Rule 18.2 of this Part, in which case the contract documentation must be completed at the earliest opportunity;
- 14.2 where otherwise approved by the Director of Law & Governance and Monitoring Officer.

CHAPTER FIVE: POST-AWARD

15. 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.

16. Variations of Contracts (including extensions)

16.1 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:

- a) demonstrably represents Value For Money or is otherwise in the Council's best interest to progress;
- b) can be funded from an approved budget;
- c) entails no diminution in any Social Value identified at the commencement of the Contract;
- d) does not conflict with the provisions of the Procurement Regulations where they apply; AND
 - 1. 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 (i.e. it is non-material); OR
 - 2. it is established with advice from the Relevant Procurement Team and Legal Services that a competitive process does not need to be followed.

16.2 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

17. 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:

- 17.1 **Director of Law & Governance and Monitoring Officer:** contracts for the engagement of Counsel.
- 17.2 **Transport:** subsidised bus contracts not caught by Rule 5.4 of this Part 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).

17.3 Adult Services, Children’s Services and Public Health:

17.3.1 Nominations Agreements⁵ 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;

17.3.2 Spot contracts⁶ 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.

17.4 The exceptions in Rules 17.1 to 17.3 (inclusive) do not apply where the proposed course of action conflicts with the Procurement Regulations.

17.5 The rest of these Rules must still be complied with.

18. 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:

18.1 Extreme urgency

18.1.1 where, in cases of extreme urgency brought about by events unforeseeable by the Council (e.g. a flood) a competitive procurement cannot be undertaken (for PR Tenders, within the time limits specified for open, restricted or competitive procedure with negotiation) a Director may verbally authorise and record in writing an exception from these Rules for goods, services or works.

18.1.2 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.

⁵ 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.

⁶ 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.

- 18.1.3 Directors must at the earliest opportunity inform the Executive Director of Resources and S151 Officer and the Director of Law & Governance and Monitoring Officer of the action taken in dealing with the emergency. 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.

18.2 No competitive market

- 18.2.1 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
- 18.2.2 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

18.3 Additional Grounds

For supply contracts

- 18.3.1 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
- 18.3.2 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

- 18.3.3 Supplies are quoted and purchased on a commodity market, or
- 18.3.4 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
- 18.3.5 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

- 18.3.6 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 undertaker⁷)

- (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;

⁷ As defined in s329 Highways Act 1980

(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 Executive Director of Resources and S151 Officer;
- (c) the Relevant Procurement Team; and
- (d) the Director of Law & Governance and Monitoring Officer

and

(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).

18.4 The exceptions in Rules 18.1 to 18.3 (inclusive) do not apply where the proposed course of action conflicts with the Procurement Regulations.

18.5 The rest of these Rules must still be complied with.

19. Exemptions from these Rules

19.1 The Council does not have the power to waive the applicability of the Procurement Regulations.

19.2 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.

19.3 At the conclusion of every Exemption Process whether granted or not the Director/Authorised Officer shall notify the Director of Law & Governance and Monitoring Officer of the final outcome of the process, along with a copy of the complete set of relevant papers.

Register of Exemptions

19.4 The Director of Law & Governance and 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 Executive Director of Resources and S151 Officer.

Contracts with a value of less than £100,000

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 Monitoring Officer ; and
- (iii) the Relevant Procurement Team.

19.5 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.

19.6 An exemption will only be granted where the Director, the Director of Law & Governance and Monitoring Officer 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 more⁸

19.7 A Director may seek an exemption from any of these Rules from:

- (i) the Cabinet or a Portfolio Holder acting under delegated powers;
or
- (ii) the Chief Executive acting under delegated powers.

19.8 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 and Monitoring Officer;
- (iv) a financial appraisal from the Executive Director of Resources and S151 Officer; and
- (v) confirmation that the Relevant Procurement Team has approved the contents of the report

19.9 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 their consent in writing.

⁸ See Contract Procedure Rules - Exemption Procedure (with pro forma report) for further details.

20. Non-compliance with these Rules

- 20.1 Any officer who becomes aware of any non-compliance with these Rules must notify the Relevant Procurement Team, Legal Services and the Executive Director of Resources and S151 Officer as soon as this is identified. Breaches may be escalated to the relevant Director for further investigation in accordance with the Council's Contract Procedure Rules – Breach Policy.
- 20.2 If the non-compliance cannot be remedied by the taking of any appropriate step or measure, the matter must be notified to the Executive Director of Resources and S151 Officer and the Director of Law & Governance and Monitoring Officer by the relevant Director. Where a particular course of action is specified by both the Executive Director of Resources and S151 Officer and the Director of Law & Governance and Monitoring Officer, this must be complied with.
- 20.3 If a non-compliance has given rise to, or is likely to give rise to illegality or maladministration, the Executive Director of Resources and S151 Officer and Director of Law & Governance and Monitoring Officer must be notified.
- 20.4 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.

21. Schemes of Delegation

- 21.1 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).
- 21.2 Authorised Officers may not, under any circumstances, act outside the delegated powers of their Director.
- 21.3 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 Executive Director of Resources and 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 of this Part, 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 apply⁹ and a “**Call-off Contract**” means an order made/call-off contract entered into under a Framework Agreement.

Director – for the purposes of these Rules the title “Director” includes Executive Directors and Directors, and, where a Director has delegated their function to a Deputy Director of 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;

⁹ 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).

Monitoring Officer means the officer appointed under Section 5 of the [Local Government and Housing Act 1989](#). The Monitoring Officer is statutorily 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 of this Part (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:

- (iv) the Environment & Place Team;
- (v) the Health, Education & Social Care Team; or
- (vi) 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 Requirements¹⁰

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 Executive Director of Resources and S151 Officer
£500,000 and above	Director and Executive Director of Resources and S151 Officer	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer

¹⁰ 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.

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 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 Executive Director of Resources and S151 Officer
Above £500,000 but not exceeding £2,000,000	Director	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer
£2,000,000 and above	Director and Executive Director of Resources and S151 Officer	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer

Table 2 - Procurement thresholds and processes

Estimated cumulative expenditure per contract	Competition
<p>Supplies, Services or Works £25,000 or above but less than £100,000</p> <p>(Quotations)</p> <p>***For Supplies, Services or Works between £25,000 and £50,000</p>	<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>
<p>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)</p> <p>(Tenders)</p>	<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>
<p>Equal to or exceeding the relevant Public Regulations Threshold</p>	<p>Tenders must be advertised on Find a Tender using an appropriate procedure under the Procurement Regulations (as advised by the Relevant Procurement Team).</p>

OXFORDSHIRE COUNTY COUNCIL
CONTRACT PROCEDURE RULES

Contract Procedure Rules for the Supply of Goods, Services and Works

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Contract Procedure Rules for the Supply of Goods, Services and Works

CHAPTER ONE: BASIC PRINCIPLES

1. Compliance with these Rules, Council Policies, Relevant Legislation and Legal Requirements

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 **ensure that when the Council conducts its procurement activities and makes decisions, it:**

~~Provide the foundation for achieving value for money in pursuit of the councils~~

- (i) **further its** strategic aims and objectives ~~Promote transparency, non-discrimination~~
- (ii) **delivers value for money**
- (iii) **maximises public benefit**
- (iv) **acts,** and ~~equal treatment in all of~~ **is seen to act with integrity,**
- (v) **shares information with suppliers and others with the purpose of allowing them to understand** the Council's procurement activities **policies and decisions**
- (vi) **treats suppliers the same unless a difference between suppliers justifies different treatment**
- (vii) **has regard to barriers that may be faced by small and medium-sized enterprises as and when required to do so by the Procurement Legislation.**

1.2 These Rules govern all Contracts let by the Council otherwise than specified in these Rules¹. Further, these Rules apply to arrangements which the Council wishes to enter into in consequence of it having received a 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, ~~is if~~ a decision about a contract is also a "key

¹ See in particular Rules 1.12 and 1.13

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 ~~there~~ **these** Rules should be dealt with in accordance with Rule ~~18 20~~.

What contracts must comply with

- 1.5 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 ~~it’s~~ its Financial Procedure Rules;
 - (iii) any relevant Council policies/regulations; and
 - (iv) any legal requirement stipulated by the Director of Law & Governance **and Monitoring Officer**.
- 1.6 The procurement and award of Contracts must comply with the principles of non-discrimination, transparency, equal treatment, and proportionality.
- 1.7 Where the estimated value of a Contract dictates that the tender procedure is to be carried out under the Procurement **Legislation Regulations** ~~(a PR Tender)~~, additional rules applying to such tender procedures must be complied with. The Relevant Procurement Team should be consulted for advice.
- 1.8 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.

~~1.9 These rules must be read in conjunction with the Procurement Strategy and the procurement Handbook which provide guidance on compliance with these rules.~~

Scope

- 1.9 ~~(1.10)~~ 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 that~~ may be made from petty cash or procurement cards ~~provided that they are~~ in accordance with any operational instructions and the financial limits issued by the Executive Director of Resources and S151 Officer **pursuant to the Financial Procedure Rules.**
- (iv) **supply of works, goods or services by the Council.**
- (v) **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 the 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. **Subsidy Control Law will need to be considered.**
- (vi) **contracts which are exempt by virtue of Schedule 2 of the Procurement Act 2023 (e.g. contracts of employments, certain legal and financial services, land transactions etc.) These contracts will, however, need to (i) comply with any requirements imposed by the Procurement Act 2023, (ii) comply with the Council's internal governance requirements and (iii) secure value for money. Officers should seek advice from the Relevant Procurement Team/Legal Services at any early stage of planning a procurement if uncertain as to whether a contract is exempt.**

1.10 The following Contracts are exempt from the requirement to conduct a competitive procurement process (as would otherwise be required under Rule 5.1):

- (i) **Health Care Services subject to the Health Care Services (Provider Selection Regime) Regulations 2023 ("PSR Regulations") which are, regardless of value, to be procured under direct award processes (A, B or C) or the most suitable provider process. The decision as to which selection process shall be followed must be made in accordance with the PSR Regulations and on advice from the Relevant Procurement Team.**
- (ii) **Contracts which are to be directly awarded pursuant to either section 41 (and one or more of the justifications in Schedule 5), section 42 or section 34 of the Procurement Act 2023 (including, but not limited to, genuine urgency, user choice, single supplier, insolvency etc).**

The rest of the Rules must be complied with.

~~1.11 In exceptional circumstances, exemptions to these Rules may be granted. Authorised officers should refer to Rule 19 of this Part, for details.~~

2. Where to get advice

2.1 Officers requiring advice on procurement practice and the Procurement Regulations **Legislation** should contact the Relevant Procurement Team **who will consult with Legal Services where necessary.**

2.2 Officers requiring Contracts, terms and conditions or legal advice should contact Legal Services.

2.3 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

3. Pre-Tender Authorisations, Requirements and Market Engagement

3.1 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, paragraph 3(b) (Decision Making), Part 4.2, paragraph 2.3 (Cabinet Procedure Rules) and Part 8.1, paragraph 13 (Access to Information Procedure Rules) of the Constitution ~~have been~~ **will be** complied with;
- (ii) the provisions of the Financial Procedure Rules at Part 8.2 of the Constitution and Financial Regulations have been complied with (including ensuring that there is adequate budgetary provision);

and written authorisation has been obtained in accordance with Appendix 2, Table 1 of this Part (unless authorisation has been obtained under the Financial Procedure Rules, Part 8.2 of the Constitution²):

- (iii) 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.

3.2 The Relevant Procurement Team and Legal Services ~~(with the exception of (iv) below)~~ must be notified before officers enter into any procurement process 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 ~~e~~**C**ontract is **£30,000 incl VAT (£25,000 excl VAT)** or more; or
- (ii) the proposed Contract is for the benefit of two or more ~~directorates~~ **services** 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, **dynamic purchasing system or dynamic market**;
~~or (iv) the proposed Contract is to be advertised and the estimated~~

² See Rule 4 for details of establishing the value of a contract and see Rule 21 for details of Schemes of Delegation

~~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)~~

3.3 Prior to the commencement of any procurement exercise:

3.3.1 The ~~Head of Pension Fund Service manager Pensions~~ and the Director of ~~HR & Cultural Change Workforce and Organisational Development~~ must be notified **by the Authorised Officer** 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.

3.3.2 The Director of Property and ~~Services~~ **Assets** 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.

3.3.3 The ~~Head Director of Digital and ICT~~ **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.

3.3.4 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**.

3.3.5 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, **and how they are to be treated or managed**.

3.3.6 **All contracts must include risk assessed levels of insurance requirements, to be determined pre-procurement, supported by the relevant Procurement Team, and in accordance with any Guidance approved by**

~~the Executive Director of Resources and S151 Officer. The Authorised Officer must also complete a documented risk assessment and consult with the Insurance team where there is uncertainty about as to the levels of insurance required for the project in question, having first had regard to the Council's standard insurance requirements for contracts. Any variance away from the standard insurance levels needs to be approved by the Executive Director of Resources and 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.~~

- 3.4 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

- 3.5 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 ~~b~~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 ~~b~~Bidders or distort competition. When considering undertaking any pre-tender market engagement **in respect of a procurement above the Procurement Act Threshold**, the Relevant Procurement Team must be consulted **to ensure requirements of the Procurement Act are satisfied**.
- 3.6 Authorised Officers must keep and maintain records in respect of each contract in order to demonstrate compliance with these Rules and the Procurement Regulations **Legislation** where they apply **applicable**. Authorised ~~e~~Officers must work with the Procurement Hub to ensure that the contract management system is updated to hold the relevant contract information and updates throughout the life of ~~e~~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 ~~e~~Contract where it has been sealed.

Small and Medium-Sized Enterprises

- 3.7 Officers must, prior to conducting either a procurement above the Procurement Act Threshold or a regulated below Procurement Act Threshold **(with the exception of below threshold Call-Off Contracts)**, have regard to the fact that small and medium-sized

enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced.

4. Establishing the Value of the Contract/Expenditure per Contract

- 4.1** For the purposes of calculating Contract values under these Rules, the Contract value is the estimated aggregate or recurring value payable in pounds sterling excluding VAT over the entire Contract period, including any form of options or extensions of the Contract. For the purpose of determining whether the procurement thresholds set out in Rule 5.6 Table 1 have been met or exceeded (in which case the Procurement Act will apply) the same calculation will apply except the sum shall be inclusive of VAT. Where the Council is not able to estimate the value of the Contract (for example where the Contract duration is indefinite), the Contract is to be treated as being subject to the Procurement Act (where it applies).

~~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 applicable). Table 1 in Rule 5.4 (iii) of this Part below, shows the Procurement Regulation Thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation.~~

- 4.2** Subject to Rule 4.1, in the case of establishing new Framework Agreements or a dynamic market, the Contract value must be calculated to include the total estimated value of all of the Contracts (or, in respect of open Frameworks, the value of all Frameworks) envisaged to be awarded for the total term of the Framework Agreement or the dynamic market and Concession Contracts must be calculated to include the maximum a Supplier could expect to receive under or in connection with the Contract.

~~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 (iii) of this Part~~

~~below, shows the thresholds expressed both as inclusive and exclusive of VAT in order to assist calculation.~~

- 4.3 Contracts must not be split into smaller contracts in order to avoid any of these Rules. **Spend with Suppliers will be monitored regularly by the Procurement Team to ensure Contracts are not disproportionately awarded and exceeding thresholds.**
- 4.4 Where the award of a €Contract to a particular sSupplier creates circumstances where any reasonably foreseeable future additional work could only be awarded to the same sSupplier (e.g. because of the sSupplier's ownership or exclusive rights in relation to a product or service) the value of the €Contract for the purpose of this Rule 4, should include the likely value of such additional work.

CHAPTER THREE: THE PROCUREMENT PROCESS

5. Procurement Process and Thresholds

- 5.1 Please refer to Appendix 2, Table 2 of this Part, for the procurement thresholds and the process to be followed.
- 5.2 **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 **Guidance approved by the Executive Director of Resources and S151 Officer Procurement Handbook**.
- 5.3 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 **Guidance approved by the Executive Director of Resources and S151 Officer** ~~requirements set out in the procurement Handbook~~. **A Legal & Procurement instruction form must be completed for all projects with a value of above £25,000 excl VAT and for lower value projects where legal advice is required.**
- 5.4 Where the estimated value of a Contract is between £25,000 excl VAT and the current Procurement Act Threshold, the Relevant Procurement Team will, in consultation with the service area, determine the most appropriate method for procuring the supplies, services or works. This will consider aspects such as capability and capacity of officers in the relevant service area to manage the procurement themselves, timescales, risk and the relative maturity and state of the supplier market. The rationale for selecting a particular procurement method will be documented, recording details behind the selection.
- 5.5 The Head of Commercial and Procurement Services will maintain a record of all contracts below the Procurement Act Threshold that have been awarded directly to a Supplier (such record to contain the date of the contract, the nature of the contract, the value and duration of the contract, the name of the Supplier and the relevant service area) and will provide a copy of this record to the Director of Law & Governance and Monitoring Officer at least every 6 months, and where otherwise requested to do so by Director of Law & Governance and Monitoring Officer.
- 5.6 ~~5.4~~ 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 type³ **(the Relevant Procurement Team must be consulted for advice on calculating this)**

is equal to or exceeds the ~~Procurement Regulation~~ **Act** Threshold set out below, the Authorised Officer shall contact their Relevant Procurement Team to establish whether the relevant Procurement regulations **Act** Threshold has been met or exceeded. **The Procurement Act Thresholds (in bold) are inclusive of VAT and will be revised every even year. To assist calculations, the values in italics are shown exclusive of VAT).**

Table 1

	Threshold (from 1 January 2024) (incl.VAT)
Goods & Services	£214,904 <i>(£179, 086.67 excl VAT @ 20%)</i>
Works & Concessions	£5,372,609 <i>(£4,477,174.17excl VAT @ 20%)</i>
Social and other specific services under Schedule 3 of Public Contracts Regulations 2015 Light Touch Contracts	£663,540 <i>(£552,950 excl of VAT @20%)</i>

~~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 EU Tender, there must be full compliance with Procurement Regulations when awarding Call-off Contracts under it.~~

5.7 ~~(5.5)~~ **Where it is intended to direct award an above Procurement Act Threshold contract pursuant to either section 41 (and one or more of the justifications in Schedule 5), section 42 or section 34 of the Procurement Act 2023 (including, but not limited to, genuine urgency, user choice, single supplier, insolvency etc), the Relevant Procurement Team must consult Legal Services.**

6. Pre-Qualification Requirements/Minimum Standards for Suppliers

6.1 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,

³ ~~Authorised Officers should consult with the Relevant Procurement Team for advice on calculating this amount~~

~~capability, legal status and financial standing~~ as advised by the Relevant Procurement Team.

- 6.2 Where the ~~contract~~ **procurement** is not subject to a PR Tender for a **below Procurement Act Threshold Contract regulated by the Procurement Act**, ~~Authorised Officers the Council~~ must not ~~carry out a separate pre-qualification stage unless approved by the Relevant Procurement Team~~ **restrict the submission of tenders or quotes by reference to an assessment of the Supplier's suitability to perform the Contract. This does not apply to (a) a works contract with a value of not less than £214,905 or (b) an award of a Contract in accordance with a Framework.**

7. Invitations to Tender/Request for Quotations

- 7.1 ~~An invitation to Tender/Request For Quotation must be sent t for all procurement processes listed in Appendix 2, Table 2 of the part. (7.2)~~ 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~~ **Bidders** 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 Bidders 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 **eContract** will be subject to these.

- 7.2 ~~7.3~~ The list of requirements in Rule ~~7.21~~ of this Part, is not exhaustive and any and all additional requirements of the Relevant Procurement Team must also be met.

8. Evaluation Criteria

- 8.1 In determining the relevant evaluation criteria **for any procurement** ~~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, **including social value benefit where appropriate**, so far as this is lawful.

- 8.2 The evaluation process must clearly demonstrate that the Council is seeking to **award a contract** ~~identify the quotation or tender~~ which offers the best value for money i.e. ~~the Most Economically Advantage Tender (MEAT)~~. **For procurements (including Call-off Contracts under Framework Agreements) under either the Public Contract Regulations 2015 or the Procurement Act this respectively means the Most Economically Advantageous Tender (MEAT) or the Most Advantageous Tender (MAT) (see Rule 5 of this Part).**

9. Terms and Conditions of Contracts

- 9.1 Terms and conditions for all **eContracts** for goods, services and works with a value of £25,000 **(excl VAT)** or more (and preferably all other **eContracts**, particularly consultancy contracts to ensure that all intellectual property rights are transferred to the Council, **no data is wrongly removed from the Council's possession** and no employee or worker rights are acquired by the consultant) must be in accordance with terms and conditions prepared or approved by the Director of Law & Governance and Monitoring Officer, unless otherwise agreed by the Director of Law & Governance and Monitoring Officer.
- 9.2 Any **eContract** of less than £25,000 **(excl VAT)** which is of indefinite duration must be in accordance with any terms and conditions prepared or approved by the Director of Law & Governance and Monitoring Officer so as to ensure that the termination provisions are satisfactory. Other **eContracts** under £25,000 **(excl VAT)** should also be on terms and conditions prepared or approved by ~~Legal s~~**Services** where there are specific legal issues arising such as ownership of intellectual property rights or the processing of personal data.
- 9.3 All written **eContracts** (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~~ **received provided that the invoice is not considered to be invalid or is disputed. Where an invoice is considered invalid or is disputed, the Supplier must be notified without undue delay;**
 - (ii) any invoices submitted by the ~~contractor~~ **Supplier** 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~~ **or** 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.

- 9.4 All eContracts with a value of £25,000 (**excl VAT**) or more must include a clause empowering the Council to terminate the contract for bribery or corruption and to recover from the ~~s~~Supplier the amount of any loss resulting from such termination in a form approved by the Director of Law & Governance and Monitoring Officer.
- 9.5 All eContracts with a value of £500,000 (**excl VAT**) or more and any other eContract 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 **and sealed by the Council**. This is particularly relevant to construction contracts in the case of latent defects.
- 9.6 Any Contract that will result in a public facing website/mobile app where the Council or a Supplier on its behalf is presenting information relating to the Council or services the Council offers, must comply with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

10. Third-Party Framework Agreements, subject to the procurement Regulations must not Dynamic Purchasing Systems and Dynamic Markets

- 10.1 A Contract may be awarded by calling-off a third-party Framework providing the following criteria are met:
- i) Legal Services have reviewed the framework documentation, confirmed that the Framework is lawfully accessible to the Council and any access agreements are entered into;
 - ii) ~~9.6~~ The Framework Agreement is considered suitable taking into account the complexity and scale of the requirement, the relevant market and value for more than four years (including options to extend) unless otherwise advised by the Director of Law & Governance and Monitoring Officer and **money (following consultation with the Relevant Procurement Team)**;
 - iii) The call-off can be undertaken in compliance with the terms and conditions of the Framework Agreement (such terms and conditions must meet the Council's requirements as set out in these Rules and have been approved by Legal Services); and
 - iv) For above Procurement Act Threshold Contracts, the outcome was not determined prior to identifying the Framework.
- 10.2 Contracts based on either a third-party Dynamic Purchasing System or Dynamic Market may be awarded if they comply with the relevant Procurement Legislation. Legal and Procurement advice must be sought at an early stage to ensure legal compliance and the relevant access arrangements are put in place.

11. ~~10.~~ Receipt of Tenders (including under Framework Agreements) and Opening of Tenders

~~10.1~~ All tenders/quotations must be submitted online via the Tendering Portal **except where authorised by the Relevant Procurement Team** No Paper copies are acceptable.

12. ~~11.~~ Evaluation of Tenders or Quotations

- 12.1** ~~11.1~~ Authorised Officers must ensure that all tenders ~~are evaluated by procurement (including those in mini-competitions under Framework Agreements)~~ **are evaluated** in accordance with the evaluation criteria specified in the Invitation to Tender or in the Requests for Quotations **and that the evaluation process is managed by the Relevant Procurement Team.**
- 12.2** ~~11.2~~ 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.~~
- 12.3** ~~11.3~~ Authorised Officers must compare submitted tender prices with any project appraisal or pre-tender estimates. Where tender prices are above the estimated value of a contract, Authorised Officers must **be satisfied that the tender/quotation represents value for money and** ensure that sufficient budget is available prior to proceeding to award.
- 12.4** ~~11.3~~ Where the submitted tender price of any Bidder in response to a ~~PRA~~ Tender is an Abnormally Low Tender, the requirements set out in ~~Regulation 69(1)~~ **Section 19 (4) & (5)** of the Procurement ~~Regulations~~ **Act** must be followed. Where the submitted tender price of any Bidder in response to a non- ~~PRA~~ Tender is an Abnormally Low Tender, advice must be sought from the Relevant Procurement Team.

CHAPTER FOUR: CONTRACT AWARD

13. ~~12~~ Authorisation for the Award of Contracts

13.1 ~~12.1~~ Contracts may only be awarded by the Council if there has been full compliance with these Rules and the *Financial Procedure Rules*.

13.2 ~~12.2~~ Tenders may be evaluated and recommended for acceptance as follows⁴:

13.3 ~~12.3~~ No tender can be accepted or eContract awarded unless this is on the basis of the evaluation criteria sent out with the Invitation ~~To Tender~~ or Requests for Quotation.

13.4 ~~12.4~~ Where a key decision was **obtained** ~~required~~ to authorise the entering into of the procurement process under Rule 3.1 (i), the eContract must not be awarded unless that decision has been complied with (for example, a new decision may be required prior to award if ~~the~~ risk factors ~~may~~ have changed).

13.5 ~~12.5~~ Where a key decision was not **initially considered necessary** ~~required to authorise the entering into of the procurement process under Rule 3.1 (i) but due to the price of the winning bid it has become a key decision, the requirements set out in Rule 3.1 (i) of part 1.3, paragraph 3 of the Constitution~~ must be complied with before the eContract is awarded.

14. ~~13~~ Procedure for Award of Contracts

14.1 ~~13.1~~ **For procurements not covered by Procurement Legislation**, Following Contract award, successful and unsuccessful tenderers (and, or 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) **Bidders** must be notified of the award of the eContract for which they bid. This notification letter will be issued by the Relevant Procurement Team.

14.2 ~~13.2~~ Where there has been a **PR Tender procurement covered by Procurement Legislation**, the Relevant Procurement Team will ~~adhere~~ **need to comply with various transparency requirements prior to award and/or post award. The Authorised Officer must therefore consult the relevant Standstill Period. Relevant Procurement Team prior to any award being made.** Where there is a court challenge prior to completion of the eContract then the eContract must not be completed without the authorisation of the Director of Law & Governance and Monitoring Officer, Executive Director of Resources and S151 Officer,

⁴ Note that "Director and "S151 Officer" includes any officer to whom the Director and S151 Officer may have delegated their function pursuant to the relevant Scheme of Delegation (see Part 7.1)

the Relevant Procurement Team and the relevant ~~Executive Director or~~ Director.

14.3 ~~13.3~~ All eContracts must be in writing and should be held on the eCouncil's contract management system. **Authorised Officers are responsible for providing a copy of the Contract to the Relevant Procurement Team.**

14.4 ~~13.4~~ ~~Except where otherwise stated in Appendix 2 of this Part, eContracts~~ 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 eContract for or on behalf of the Council).

14.5 ~~13.5~~ In relation to Contracts with a total value in excess of £5,000 **excl VAT** which have not been supported by the Procurement Team, Authorised Officers must inform the Relevant Procurement Team of all eContracts (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 eContract can be added to the Council's Contracts Management System; and **the** Relevant Procurement Team can publish details of the eContract award in accordance with any legal requirements; and
- (ii) ~~comply with any~~ **all transparency and** reporting requirements **can be met.**

15. 14 Commencement of Contracts

No supply of goods, services or works must commence until all contract documentation is duly completed (see Rule ~~14.3~~ above) except: **where otherwise approved by the Director of Law & Governance and Monitoring Officer**

~~14.1 In cases of emergency falling under Rule 18.2 of this Part, in which case the contract documentation must be completed at the earliest opportunity;~~

~~14.2 where otherwise approved by the Director of Law & Governance and Monitoring Officer.~~

CHAPTER FIVE: POST-AWARD

16. 15 Contract and Risk Management

Contracts ~~must~~ will be managed according to **the Procurement Legislation (as applicable) and Guidance approved by the Executive Director of Resources and S151 Officer** ~~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.~~

17. 16 Variations of Contracts (including extensions)

17.1 ~~16.1~~ Any variation to a concluded Contract for ~~W~~works, ~~S~~supplies or ~~S~~services (including an extension to the length of any such Contract or a replacement of the original ~~s~~Supplier) ('the Variation') is only permissible if the Variation in principle:

- a) demonstrably represents Value For Money or is otherwise in the Council's best interest to progress;
- b) can be funded from an approved budget;
- c) **in the opinion of the Head of Commercial and Procurement Services** entails no diminution in any Social Value identified at the commencement of the Contract;
- d) does not conflict with the provisions of the Procurement Regulations ~~where they apply; AND 1. It represents no more than 10% of the value of the original Contract (inclusive of VAT~~ **Legislation** (where applicable); ~~2 and it is established with advice from the Relevant Procurement Team and Legal Services that a competitive process does not need to be followed. The Relevant Procurement Team must consult with Legal Services where the Variation is regulated by Procurement Legislation. The Relevant Procurement Team will publish any required transparency notices.~~

17.2 Where, as a consequence of a proposed Variation, a Contract originally below the Procurement Act Threshold will exceed the Procurement Act Threshold, the Variation will become regulated by the Procurement Act and the Relevant Procurement Team must be consulted.

17.3 Any ~~v~~Variation outside these requirements would require the conduct of a new tender process for a new **Contract**.

17.4 ~~16.2~~ **Where an Authorised Officer proposes to terminate a Contract which is covered by the Procurement Act or where a eContract unless an Exception under Rule 18 or an Exemption under Rule 19 would apply which is covered by the Procurement Act is due to expire, the Authorised Officer must consult with the Relevant Procurement Team in order that transparency requirements can be met.**

CHAPTER SIX: GENERAL

~~17. 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:~~

~~17.1 Director of Law & Governance and Monitoring Officer: contracts for the engagement of Counsel.~~

~~17.2 Transport: subsidised bus contracts not caught by Rule 5.3 of this Part 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).~~

~~17.3 Adult Services, Children’s Services and Public Health:~~

~~17.3.2 Nominations Agreements⁵ 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;~~

~~17.3.2 Spot contracts⁶ 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.~~

~~17.4 The exceptions in Rules 17.1 to 17.3 (inclusive) do not apply where the proposed course of action conflicts with the Procurement Regulations.~~

~~17.5 The rest of these Rules must still be complied with.~~

~~19. Exemptions from these Rules~~

~~19.1 The Council does not have the power to waive the applicability of the Procurement Regulations.~~

~~19.2 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.~~

⁵ 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.

⁶ 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.

~~19.3 At the conclusion of every Exemption Process whether granted or not the Director/Authorised Officer shall notify the Director of Law & Governance and Monitoring Officer of the final outcome of the process, along with a copy of the complete set of relevant papers.~~

~~Register of Exemptions~~

~~19.4 The Director of Law & Governance and Monitoring Officer will maintain a register of all exemption requests under this Rule 19 and will provide a copy of this register to the Executive Director of Resources and S151 Officer at least every six months, and otherwise as and when requested to do so by the Executive Director of Resources and S151 Officer.~~

~~Contracts with a value of less than £100,000~~

~~19.5 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 Monitoring Officer ; and~~
- ~~(iii) the Relevant Procurement Team.~~

~~19.6 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.~~

~~19.7 An exemption will only be granted where the Director, the Director of Law & Governance and Monitoring Officer 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~~

~~19.8 A Director may seek an exemption from any of these Rules from:~~

- ~~(i) the Cabinet or a Portfolio Holder acting under delegated powers;~~
- ~~or~~
- ~~(ii) the Chief Executive acting under delegated powers.~~

~~19.9 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 and Monitoring Officer;~~

- ~~(iv) a financial appraisal from the Executive Director of Resources and S151 Officer; and~~
- ~~(v) confirmation that the Relevant Procurement Team has approved the contents of the report~~

~~19.10 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 their consent in writing.~~

18. ~~20~~ Non-compliance with these Rules

18.1 ~~20.1~~ Any officer who becomes aware of any non-compliance **or potential non-compliance** with these Rules must notify the Relevant Procurement Team, Legal Services and the ~~Executive Director of Resources and S151 Officer~~ **relevant Finance Business Partner** as soon as this is identified, **together with a proposed compliant solution wherever possible. Instances of non-compliance** Breaches may be escalated to the relevant Director for further investigation in accordance ~~with the Council's Contract Procedure Rules — Breach Policy.~~

18.2 ~~20.2~~ If the non-compliance cannot be remedied by the taking of any appropriate step or measure, the matter must be notified to the Executive Director of Resources and S151 Officer and the Director of Law & Governance and Monitoring Officer by the relevant Director. Where a particular course of action is specified by both the Executive Director of Resources and S151 Officer and the Director of Law & Governance and Monitoring Officer this must be complied with.

18.3 ~~20.3~~ If a non-compliance has given rise to ,or is likely to give rise to illegality or maladministration, the Executive Director of Resources and S151 Officer and Director of Law & Governance and Monitoring Officer must be notified.

If these Rules are not complied with, this will not invalidate any eContract entered into by or on behalf of the Council, except where English law provides to the contrary.

19. ~~24~~ Schemes of Delegation

19.1 ~~24.1~~ 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).

19.2 ~~24.2~~ Authorised Officers may not, under any circumstances, act outside the delegated powers of their Director.

19.3 ~~21.3~~ Directors must ensure that all Authorised Officers receive the necessary training to be and remain conversant with these Rules.

20. Conflicts of Interest

Officers and Members must comply with their respective Codes of Conduct under Part 9 of the Constitution to avoid any conflict between their own interests and that of the Council. Where required by the Relevant Procurement Team, a conflict assessment must be undertaken at the start of a procurement and shall be kept under review during the lifetime of the Contract where one is awarded. Conflict Assessments will be retained by the Relevant Procurement Team.

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 Executive Director of Resources and 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 eContracts and/or managing eContracts) and any Agents as defined in Rule 1.8 of this Part, 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.

Concession Contract means a contract for supply of works or services, for a pecuniary interest, where at least part of the consideration for that supply is a right for the Supplier to exploit the works or services that are the subject of the Contract and where, under the Contract, the Supplier is exposed to a real operating risk.

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 apply² and a **“Call-off Contract”** means an order made/call-off contract entered into under a Framework Agreement. **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) without the consent of Legal Services.**

Director – for the purposes of these Rules the title “Director” includes Executive 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.

² ~~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).~~

Framework or Framework Agreement means a ~~eContract with a Supplier or Suppliers which establishes the terms and conditions (in particular as to price) under which~~ **that provides for future award of contracts** (Call-off Contracts can be made during the length of the Framework Agreement. This includes government pre-negotiated contracts.) to the Suppliers or to a Supplier.

Head of Service means an officer who reports directly to a Director and is designated by them to be a Head of Service;

Invitation to Tender means the document headed as such and used by the Council to invite ~~providers~~ **Suppliers** to bid for the provision of ~~G~~goods, ~~S~~services or ~~W~~works;

Light Touch Contract means a contract wholly or mainly for the supply of services of a kind specified in section 9 of the Procurement Act.

Monitoring Officer means the officer appointed under Section 5 of the [Local Government and Housing Act 1989](#). The Monitoring Officer is statutorily responsible for reporting to the ~~e~~Council on any proposal, decision or omission by the ~~e~~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.

PAR Tender means a tender procedure which needs to be carried out under the Procurement Regulations **Act** .

Person means any individual, partnership, local authority or incorporated or unincorporated body;

Guidance ~~Procurement Handbook~~ means the **procurement** ~~Provision Cycle handbook~~ **guidance** available on the Council's Intranet.

Procurement Regulations Legislation means ~~the either~~ **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).**

The Health Care Services (Provider Selection Regime) Regulations 2023 ("PSR Regulations") or the Procurement Regulations Act 2023 as appropriate.

Procurement Act means the **Procurement Act 2023**.

Procurement Act Threshold means the thresholds set out in Rule 5.4, Table 1 of this Part (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~~ **Economy** & Place Team;
- (ii) the Health, Education & Social Care Team; or
- (iii) the ~~Corporate & Commercial~~ **Resources** and ~~law and Governance~~ Team

Request for Quotations means the document headed as such and used by the Council to invite ~~providers~~ **Suppliers** to bid for the provision of ~~G~~goods, ~~S~~services or ~~W~~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 **their** functions in accordance with the relevant Scheme of Delegation;

Scheme of Delegation has the meaning given to it under Rule 21.

Subsidy Control Law means the **Subsidy Control Act 2022** as may be amended or any successor legislation.

Supplier means any Person who provides or seeks to provide goods, services or works to the Council.

Tendering Portal means the e-tendering system/tool authorised by the **Relevant Procurement Team**.

Appendix 2

Table 1 - Pre-Procurement Authorisation, Contract Award Authorisation and Execution Requirements⁸

Subject to compliance with Rule 3.1(i) and Rule 13.4, authorisations may be given in accordance with the Tables below:

Goods and Services

Cumulative expenditure per contract (<u>excl VAT</u>)	Pre- Procurement and Contract Award Authorisation	Execution
Up to but not exceeding £200,000	Authorised Officer 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	Head of Service and Executive Director of Resources and S151 Officer*	Signed by Director and Executive Director of Resources and S151 Officer Head of Service and one other Authorised Officer in accordance with their delegated financial limit
£500,000 and above	Director and Executive Director of Resources and S151 Officer*	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer one other Authorised Officer in accordance with their delegated financial limit

⁸ 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.

Works

Cumulative expenditure per contract (<u>excl</u> VAT)	<u>Pre- Procurement and Contract Award</u> Authorisation	Execution
Up to but not exceeding £500,000	Authorised Officer in accordance with their delegated financial limits	Less than £25,000 – Up to £200,000 signed by one Authorised Officer in accordance with their delegated financial limit
		From £25,000 to £200,000 up to £500,000 signed by two 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 £500,000 but not exceeding £2,000,000	Head of Service and Executive Director of Resources and S151 Officer*	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer Head of Service and one other Authorised Officer in accordance with their delegated financial limit
£2,000,000 and above	Director and Executive Director of Resources and S151 Officer*	Sealed by the Director of Law & Governance and Monitoring Officer on behalf of the Council on the instructions of the Director and Executive Director of Resources and S151 Officer one other Authorised Officer in accordance with their delegated financial limit

* Authorisation by the Executive Director of Resources and S151 Officer is only required at Contract Award stage where there have been variations to the

scope/cost of the contract after the Pre-Procurement Authorisation was obtained.

Note: 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.

Table 2 - Procurement thresholds and processes

Estimated cumulative expenditure per contract	Competition
<p>Supplies, Services or Works £25,000 or above but less than £100,000 up to the Procurement Act Thresholds</p> <p>(Quotations)</p> <p>***For Supplies, Service or Works between £25,000 and £50,000</p>	<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</p> <p>***Except in cases where the subject matter is high-risk or sensitive, tThe Relevant Procurement Team will review the needs of the service area and will identify an appropriate procurement process. Authorised Officers will be expected method for the required supplies, services or works. This will take into account aspects such as capability and capacity of officers in the relevant service area to manage the procurement process using available themselves, timescales, risk and the relative maturity and state of the supplier market. Where a competitive process is undertaken, templates, and will be utilised to report standardise the outcome of process and tenders may be advertised on Find A Tender, depending on the procurement to the Procurement Team requirements.</p> <p>For all procurements, the rationale for selecting a particular procurement method will be documented, recording details behind the selection.</p>
<p>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)</p> <p>(Tenders)</p>	<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>
<p>Equal to or exceeding the relevant Public</p>	<p>Tenders must be advertised where required by the Procurement Act on Find a Tender and</p>

<p>Regulations Threshold Procurement Act Threshold</p>	<p>conducted using an appropriate competitive procedure under the Procurement Regulations Act (as advised by the Relevant Procurement Team). See Rules 5.7 and 1.10 regarding direct awards under the Procurement Act.</p>
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Proposed Changes to Contract Procedure Rules

The Council's Constitution contains Contract Procedure Rules (CPRs) that govern how the Council procures supplies, services and works. These CPRs must comply with UK legislation. In October 2023, the Procurement Act 2023 (PA23) was passed, followed by the underlying supporting legislation the Procurement Regulations 2024 in April 2024. These will come into force on the 24 February 2024 and will apply to procurements that are commenced after this date. The PA23 replaces the current Public Contract Regulations 2015 and other procurement legislation, although the 2015 Regulations will continue to apply to procurements commenced prior to the PA23 coming into effect and will still regulate existing contracts procured under them.

The PA2023 imposes a significant number of duties and responsibilities upon contracting authorities throughout the procurement process (which also includes pre-procurement activity and contract management). The PA23 also imposes some obligations on contracts that are below the PA23 threshold. The thresholds currently remain at the same level as under the 2015 Regulations. Central government may make further regulations and changes under the PA23 as it contains specific powers to do so.

Officers have also proposed removing the fixed bands/thresholds for seeking quotations and tenders for procurements below the PA23 thresholds and, instead, introduce flexibility in procurements over £25,000 and below the PA threshold. This will enable the Procurement Team to determine which procurement method is most appropriate for each matter according to the circumstances. Consequently, this will remove the current need to seek exemptions/exceptions should a direct award be determined as appropriate.

A table of proposed amendments is set out below, and a redline version of the changes is provided.

It is intended to recommend to Committee and Council that the revised CPRs are adopted and that Council delegates authority to Director of Law & Governance and Monitoring Officer to be able to amend the CPRs to comply with emerging procurement practice and further changes in procurement legislation and guidance.

Table of amendments to CPRs

Rule (New Numbering)	Proposed Changes	Rationale/Comments
All	Capitalization of defined terms All footers removed	To reflect defined terms
1	Updates to the aims and scope of CPRs	Under the Public Contract Regulations 2015, contracting authorities owe a duty to suppliers to uphold the principles of equal treatment, transparency, non-discrimination and proportionality when conducting a procurement. The Procurement Act expresses these concepts differently and sets out new principles and objectives. Therefore, CPRs have been updated to reflect this change. The scope of the CPRs has also been updated to reflect transactions to which CPRs will either not apply or will only partially apply. This now references contracts which are excluded under the Procurement Act 2023.
2	Change in reference to “Procurement Legislation” rather than “Procurement Regulations” and to refer to Procurement Team consulting Legal Services	Amended to reflect that there are now multiple procurement regimes and that the Procurement Team will take advice from Legal Services where necessary
3	Updates to Rule 3.1 to change “have been” to “will have”. Updates to figures. Updates to job titles	To reflect that key decisions may be taken at award stage rather than pre-procurement, To reflect that figures in the Procurement Act are inclusive of VAT. To reflect current job titles

	<p>Rule 3.6 Amendments around insurance and risk assessments</p> <p>New 3.7</p> <p>“3.7 Officers must, prior to conducting either a procurement above the Procurement Act Threshold or a regulated below Procurement Act Threshold, have regard to the fact that small and medium-sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced.”</p>	<p>To reflect that the council’s update position of risk assessments and to refer to Guidance.</p> <p>To reflect that the Procurement Act requires contracting authorities to have regard to barriers that SMEs may face in competing for a contract and consider whether such barriers can be removed or reduced.</p>
4	<p>Amendments to the approach to valuing contracts</p> <p>4.3 amended to add that the Procurement Team will monitor contract spend.</p>	<p>To bring the drafting in line with the Procurement Act.</p> <p>To reflect internal processes</p>
5	<p>5.3 Updated to refer to the need for Officers to complete a Legal & Procurement Instruction form</p> <p>New 5.4</p> <p>“Where the estimated value of a Contract is between £25,000 excl VAT and the current Procurement Act Threshold, the Relevant Procurement Team will, in consultation with the service area, determine the most appropriate method for procuring the supplies, services or works. This will consider aspects such as capability and capacity of officers in the relevant service area to manage the procurement themselves, timescales, risk and the relative maturity and state of the supplier market. The rationale for selecting a particular procurement method will be documented, recording details behind the selection.”</p>	<p>To reflect internal procedures</p> <p>This replaces the concept of fixed bands/thresholds for seeking quotations and tenders for procurements not subject to the Procurement Act and, instead, introduces flexibility in procurements over £25,000 and below the Procurement Act Threshold. This will enable the Procurement Team to determine which procurement method is most appropriate for each matter according to the circumstances. As a consequence, this will remove the current need to seek exemptions should a direct award be determined as appropriate.</p>

	<p>5.5 Existing clause deleted</p> <p>New 5.5 “The Head of Commercial and Procurement Services will maintain a record of all contracts below the Procurement Act Threshold that have been awarded directly to a Supplier (such record to contain the date of the contract, the nature of the contract, the value and duration of the contract, the name of the Supplier and the relevant service area) and will provide a copy of this record to the Director of Law & Governance and Monitoring Officer at least every 6 months, and where otherwise requested to do so by Director of Law & Governance and Monitoring Officer.”</p> <p>5.6 Amended to reflect that the Procurement Thresholds will be revised every even year</p>	<p>Now covered under Rule 10.</p> <p>To allow for the monitoring of below Procurement Act Threshold direct awards given the removal of the exemption/exception procedures in the existing CPRs.</p> <p>To reflect the provisions of the Procurement Act.</p>
6	6.2 Drafting updated with regard to pre-qualification	To reflect the provisions of the Procurement Act
7	7.1 deleted	To reflect that formal request for quotations and invitations to tender are not always used in low value procurements or direct awards.
8	8.1 Amended to apply to all procurements	To reflect internal processes

	8.2 Drafting updated to include reference to the Most Advantageous Tender (MAT)	To reflect the shift in the Procurement Act to Most Advantageous Tender (MAT) from Most Economically Advantageous Tender (MEAT). This transition is more of a change of emphasis than substance. It provides reassurance that the council can take a broader view of what can be included in evaluation of tenders in assessing value for money.
9	<p>9.3 Amendment to payment terms</p> <p>9.5 Added reference to deeds being executed under seal</p> <p>9.6 New provision</p> <p>“Any Contract that will result in a public facing website/mobile app where the Council or a Supplier on its behalf is presenting information relating to the Council or services the Council offer, must comply with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.”</p>	<p>To reflect the provisions of the Procurement Act</p> <p>To provide clarity</p> <p>This provision reflects the requirement for compliance with the Accessibility Regulations. It is considered prudent to include this in order to draw this to the attention of officers involved in procuring contracts for website/mobile apps.</p>
10	<p>Revised Rule 10</p> <p>“10.1 A Contract may be awarded by calling-off a third-party Framework providing the following criteria are met:</p> <p>(i) Legal Services have reviewed the framework documentation, confirmed that the Framework is</p>	<p>To reflect the introduction of Dynamic Markets by the Procurement Act and to provide internal governance around the use of third-party framework agreement.</p> <p>References to Dynamic Purchasing Systems remain because, although new Dynamic Purchasing Systems are not provided for in the Procurement Act, existing Dynamic Purchasing Systems under the Public</p>

	<p>lawfully accessible to the Council and any access agreements are entered into;</p> <p>(ii) The Framework Agreement is considered suitable taking into account the complexity and scale of the requirement, the relevant market and value for money (following consultation with the Relevant Procurement Team);</p> <p>(iii) The call-off can be undertaken in compliance with the terms and conditions of the Framework Agreement (such terms and conditions must meet the Council's requirements as set out in these Contract Procedure Rules and have been approved by Legal Services); and</p> <p>(iv) For above Procurement Act Threshold Contracts, the outcome was not decided prior to identifying the Framework.</p> <p>10.2 Contracts based on either a third-party Dynamic Purchasing System or Dynamic Market may be awarded if they comply with the relevant Procurement Legislation. Legal and Procurement advice must be sought to ensure legal compliance and the relevant access arrangements are put in place.</p>	Contracts Regulations 2015 may continue to be used until October 2028.
11	Amended to provide for quotes/tenders to be submitted via the tendering portal unless otherwise agreed by the Relevant Procurement Team	To reflect internal processes
12	<p>12.1 Amended to provide for Procurement Team managing the evaluation rather than being part of the evaluation.</p> <p>12.2 Deletion of final sentence in respect of corrections.</p>	<p>To reflect internal processes</p> <p>To avoid potential non-compliance with procurement legislation</p>

	<p>12.3 Amended to provide that officers must be satisfied that tenders above the estimated value represent value for money.</p> <p>12.4 Amendment to the procedure for dealing with abnormally low tenders.</p>	<p>To ensure that the council complies with its best value duty</p> <p>To comply with the Procurement Act</p>
13	13.5 Amendment to drafting around the need for a key decision	To bring the drafting in line with Rule 3.1
14	Procedures for awarding contract amended	To reflect the requirements of the Procurement Act and internal processes
15	Deletion of reference to emergencies under the current Rule 18.2	The current Rule 18 is deleted in its entirety in the new version of CPRs
16	No significant amendment	
17	<p>17.1 amended to refer to "Procurement Legislation" rather than "Procurement Regulations"</p> <p>New 17.2 "Where, as a consequence of a proposed Variation, a Contract below the Procurement Act Threshold will exceed the Procurement Act Threshold, the Variation will become regulated by the Procurement Act and the Relevant Procurement Team must be consulted."</p> <p>New 17.4 "Where an Authorised Officer proposes to terminate a Contract which is covered by the Procurement Act or where a Contract which is covered by the Procurement Act is due to expire, the Authorised Officer must consult with the Relevant Procurement Team in order that transparency requirements can be met."</p>	<p>To reflect that the rules around contract modifications will depend on which legislation applies. There are now multiple procurement regimes.</p> <p>To reflect the provisions of the Procurement Act.</p> <p>To ensure that the new transparency requirements as required under the Procurement Act are met.</p>

N/A	Current Rules 18 and 19 that deal with general exceptions and exemptions deleted	In light of the proposed change under Rule 5.4 and exemptions/partial exemptions now being covered under Rule 1.10 and 1.11
18	Amended to also address potential non-compliance with the Rules.	To provide for potential non-compliance to be brought to the attention of relevant officers in addition to actual non-compliance.
19	No significant amendment	
20	New 20 “Officers and Members must comply with their respective Codes of Conduct under Part 9 of the Constitution to avoid any conflict between their own interests and that of the Council. Where required by the Relevant Procurement Team, a conflict assessment must be undertaken at the start of a procurement and shall be kept under review during the lifetime of the Contract where one is awarded. Conflict Assessments will be retained by the Relevant Procurement Team.”	To reflect the requirements of the Procurement Act that conflict assessments are mandatory for some procurements and must be reviewed throughout the lifetime of any contract awarded.
Appendix 1 Definitions	Updated	To reflect current meanings, job titles and references
Appendix 2 Table 1	Authorisation tables updated	To reflect less onerous sign off requirements for lower value contracts.
Appendix 2 Table 2	Procurement thresholds and processes updated	To reflect the position set out in Rule 5.4 and the Procurement Act 2023

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 members 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 member; 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.
- (f) 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 member 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.

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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 the Constitution, **as set out throughout this protocol**. Advice on the interpretation of this protocol will be given by the **Director of Law & Governance and** Monitoring Officer.
- (b) ~~In law all Councillors are equal and have the responsibilities of trustees. However, the~~ Legislation, and guidance issued under it, gives certain powers and duties to the different roles which Councillors may **undertake** play e.g. Chair of the Council, Leader of the Council, Cabinet member, Chair of an **Overview and** 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, **or** conflicts of interest, they should consult the **Director of Law & Governance and** Monitoring Officer. Similarly, they should consult the Chief Finance Officer (**Executive Director of Resources (Section 151 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 a meeting or online** 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 **third** 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 **and Monitoring Officer** of their ~~resignation~~ **absence** from the committee or sub-committee ~~on a temporary basis for the duration of that meeting only and~~ **the name of any member substituting for them at that meeting in accordance with Council Procedure Rule 4.** ~~Upon receiving notification of any such temporary resignation, the Director of Law & Governance and Monitoring Officer 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 an **Overview and Scrutiny** Committee (or sub-

committee), or of a committee (or sub-committee) of the Council or when an individual Cabinet member is taking decisions **in a meeting or online**. 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 **Overview and 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~~ **Director of Law & Governance and Monitoring Officer** ~~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 **Director of Law & Governance and Monitoring Officer in consultation with 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 **Director of Law & Governance and Monitoring Officer** ~~chair~~ under this procedure, they may refer the matter to the **Chief Executive** ~~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, **Overview and 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 an **Overview and 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~~ **obtain** the necessary Cabinet Member endorsement, they should notify the **Director of Law & Governance and** Monitoring Officer.
- (c) In accordance with the **Overview and** Scrutiny Procedure Rules, the following will apply to placing Councillor items on the agenda of an **Overview and** Scrutiny Committee:
 - (i) Any member of an **Overview and** 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 **Overview and** 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 **Overview and Scrutiny Committee** of that item.

- (iii) The leader of any political group on the Council may request the Chair and Deputy Chair of an **Overview and 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 **Overview and 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 **Director of Law & Governance and 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 an **Overview and 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 **Director of Law & Governance and 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 Overview and 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's ~~Services, Education & Families~~ **Services** will ensure that Councillors are informed about significant matters **they are aware of** 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 **Overview and 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, **6 or 7, 7A or 7B** ~~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~~ **Director of Law & Governance and Monitoring Officer, confirming which** 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. **The Director of Law & Governance and Monitoring** ~~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 **the Director of Law & Governance and Monitoring** ~~a Chief Officer~~ under this procedure they may refer the question to the **Chief Executive** ~~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 subcommittee 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 **Members'** Code of Conduct set out in this Constitution (**at Part 9.1, para 6.4**) 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), **in accordance with the Council's protocol.** ~~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 **Director and either 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 **where appropriate and in accordance with the separate protocol (name to be added) (e.g. where there is direct contact with vulnerable children and/or vulnerable adults) have a current DBS check.**

- (c) ~~(b)~~ **Councillors should be aware and** 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. **The smooth operation of the establishment should be the primary concern.**
- (d) ~~(e)~~ Where Councillors wish to undertake activities in any County Council premises, this should be ~~purely~~ **primarily** in connection with their duties as County Councillors and not **usually** for any other purpose. **Limited personal use (including in connection with activities outside their role as a County Councillor, but not political activities) of Council e-mail, internet and electronic devices is permitted, provided in the view of the Director of Law & Governance and Monitoring Officer, it is not excessive and does not interfere with Council functions and the role of County Councillors. In using Council email, internet and electronic devices, Councillors must at all times comply with the Council's Data Protection Policy and requirements in relation to data security.**

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.

Part 9.4 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

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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 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.

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Protocol on Member/Officer Relations

1. Introduction

- 1.1. This protocol seeks to strengthen ~~good~~ **effective** 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. **It supplements the Officers' and Councillors' Codes of Conduct, and the Protocol on Councillors' Rights and Responsibilities set out in the Constitution.**
- 1.2. This protocol applies when Members and Officers are conducting Council business.
- 1.3. It is applicable, as appropriate, to non-Councillors who are Members of any Committee or Sub-Committee of the Council.

2. Underlying Principles

- 2.1 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~~ **manner** which promotes objectivity, accountability and openness; and
- acknowledging the duty of confidentiality.

3. Roles and Responsibilities

~~(a)~~3.1. Members

- 3.1.1. ~~All~~ ~~m~~Members have **a range of** important roles to play which ~~will~~ include representing the views of their constituents, ~~and~~ promoting the **interests and** welfare of the communities they represent, and acting together as the ~~full~~ Council.
- 3.1.2. **Members should treat everyone, including Officers, other Councillors, and members of the public fairly and with respect. Members have a central role to play in ensuring that equality, diversity and inclusion is 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.**

3.1.3. The Council will appoint **the Leader and Members** to serve on the ~~cabinet~~, **Overview and 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)~~**3.2. Officers**

~~(i)~~**3.2.1.** 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 ~~m~~**Members** in their ~~several~~ **various** roles.

3.2.2. All ~~e~~**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 ~~e~~**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. **The statutory role of Head of Paid Service is undertaken by the Chief Executive.**

~~(ii)~~**3.2.3.** Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's ~~e~~**Officers**. Some ~~e~~**Officers** have specific statutory responsibilities as statutory office holders as well, such as the **Director of Law & Governance and Monitoring Officer** and the **Chief Finance Officer (Executive Director of Resources (Section 151 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

4.1. The Cabinet will take decisions in accordance with the Constitution and Officers will implement those decisions. The Head of Paid Service, Directors and other ~~s~~**Senior eOfficers**, will inevitably need to work closely with Members of the Cabinet if there is to be effective executive decision-making. This relationship ~~has to~~ **must** function without compromising the ultimate responsibilities of ~~e~~**Officers** to the Council as a whole. The Cabinet will seek advice from the relevant ~~e~~**Officers** before taking decisions. Appropriate ~~e~~**Officers** should also attend decision-making meetings of the Cabinet as required.

5. The Relationship Between the Overview and Scrutiny Committees and Officers

- ~~(a)~~**5.1.** It shall be the duty of all ~~e~~**Officers** to provide the support necessary to enable an **Overview and Scrutiny Committee (“Scrutiny Committee”)** to undertake policy development and review activities commissioned by the Cabinet.
- ~~(b)~~**5.2.** Where a Scrutiny Committee commissions work, or wishes to review a decision to be made or which has been made by the Cabinet, then ~~e~~**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 ~~e~~**Officers** to comply with **reasonable** requests for information and assistance.
- ~~(c)~~**5.3.** 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 ~~m~~**Member** or ~~e~~**Officer** concerned will be given ~~10 working days~~ **reasonable** notice of the meeting and informed about the issues to be raised and whether the Committee requires 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)~~**5.4.** Where in ~~(5.3e)~~ above ~~e~~**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)~~**5.5.** Where ~~e~~**Officers** attend Scrutiny Committees in accordance with ~~(5.3e)~~ above, any comment by ~~e~~**Officers** on the Cabinet’s policies and actions should always be consistent with the requirement for ~~e~~**Officers** to be politically impartial.
- ~~(f)~~**5.6.** 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 **by the Chair of the Committee** 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

- 6.1.** Committees of the Council shall seek advice from relevant Officers before taking decisions and when considering any report or matter.

7. Contact Between Members and Officers

- 7.1.** When meeting, Members and Officers must be clear with each other what information may be shared with third parties and what information is private and/or exempt. If there is any doubt, advice may be sought from the Director of Law & Governance and Monitoring Officer.
- 7.2.** Members should not forward information received from an Officer to a constituent or other third party if that information is expressed to be confidential.
- 7.3.** While Members and Officers can constructively challenge, they should not criticise or undermine respect for the other at any meeting where Council business is being considered or transacted, in any public forum or through any communications.

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.~~
- ~~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. Access to Information

- 8.1.** The statutory rights of Members' access to information held by the Council are outlined in the [Access to Information Procedure Rules](#) of the Constitution.
- 8.2.** Members require access to adequate and relevant advice and information in order to carry out their responsibilities as Members of the Council, Cabinet or any relevant Committees, and in

particular in their role as local Members. This enables Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. Where Members demonstrate to the satisfaction of the Director of Law & Governance and Monitoring Officer that there is a “need to know” in order to properly fulfil their responsibilities as County Councillors, the information will be provided. In certain circumstances, this may require a Member to sign a Member confidentiality agreement.

- 8.3. When providing written or verbal reports and briefings, it is important that Officers present information and advice in a way which is clear and evidence based. Allowing Members the opportunity for constructive challenge and debate supports effective decision-making.

9. ~~8.~~ Undue Pressure

- ~~(a)~~9.1. A ~~m~~Member should not apply undue pressure on to an ~~employee~~ Officer, either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours.
- ~~(b)~~9.2. Similarly, an ~~e~~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.

10. ~~9.~~ Familiarity and Relationships

- 10.1. Close personal familiarity between individual ~~m~~Members and ~~e~~Officers can damage the principle of mutual respect, cause embarrassment, and lead to suspicions of favouritism **and undermine public trust in the Council, as such it should be avoided.** ~~It could also lead to the passing of confidential information. If there is any doubt regarding close personal familiarity between Members and Officers, the Director of Law & Governance and Monitoring Officer is to be consulted at the earliest opportunity.~~
- 10.2. It is not generally appropriate for ~~e~~Officers and Members ~~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). **The Council’s [Social Media Policy for Staff and Councillors](#) offers further guidance.**

- 10.3. Where a close personal relationship exists, such as an Officer is related to a Member, the Director of Law & Governance and Monitoring Officer is to be informed at the earliest opportunity. Officers should declare such relationships to their Line Manager/Director in writing. Under these circumstances the Officer in question should not perform or supply support to the same Member that has a financial association or where there is a conflict of interests.

11. ~~10.~~ Respect, Courtesy and Redress

- 11.1. To ensure 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 plays an important part in the Council's reputation and how it is viewed by the public.
- 11.2. 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 the Constitution, and what appropriate action would be taken in accordance with the Council's policies. If a Member is considered to have acted without showing respect and courtesy, then the Leader of their political group within the County Council may be informed by the Director of Law & Governance and Monitoring Officer, if appropriate. The Director of Law & Governance and Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in the Constitution.
- ~~(a)~~ 11.3. If a ~~m~~Member considers that they have not been treated with proper respect or courtesy, they may raise it with the ~~employee's~~ **Officer's** Line Manager or Director if they fail to resolve it directly. If the issue is not resolved, a ~~m~~Member may raise the issue with the Head of Paid Service.
- 11.4. If an ~~e~~Officer feels the same way about a ~~m~~Member, they should raise the matter with their Line Manager or Director. In such circumstances the Director will (if appropriate) approach either the individual ~~m~~Member and/or Party Group Leader. The Director will inform the Head of Paid Service and the **Director of Law & Governance and Monitoring Officer**, ~~if the Party Group Leader becomes involved,~~ and will approach the **Director of Law & Governance and Monitoring Officer** if it seems that **there may have been** ~~there has been~~ a breach of the Members' Code of Conduct.

12. ~~11.~~ Political Activity

~~(a)~~ **12.1. Most Senior Officers, except those specially exempted, and some other Officers, are politically restricted. This means they** cannot be local authority Councillors or MPs, nor can they do anything with the apparent intention of affecting public support for a political party **or candidate.**

~~(b)~~ **12.2.** 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 **notified** ~~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, ~~m~~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) Meetings of Political Groups shall not be deemed meetings for the purposes of this Constitution.

13. ~~12.~~ Press and Media

13.1. Officers serve the Council as a whole and must operate within the limits of the statutory framework that prohibits publishing material which appears to be designed to affect public support for a political party. 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.~~

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10.1 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 following a decision by Council on 2 November 2021, as amended by the decision of Council on 28 March 2023 and subsequent decision of 12 December 2023. The appended Schedule 1 reflects the annual up-lift for Members Allowances in line with the percentage rise in employee costs in the staff pay award.*

Basic Allowance

1. Subject to the provisions of this Scheme, a basic allowance of £13,824.00 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 and Independent co-opted member of the Audit & Governance Committee (sections 16 to 18), shall be amended annually in line with the percentage rise in overall employee costs for Oxfordshire County Council arising from 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 £8,292.00 per annum.
- 18. A co-optees' allowance shall be payable to independent co-opted members of the Audit & Governance Committee who do not serve as chair of the Audit Working Group. The allowance payable for this role shall be £3,264.00 per annum.

Claims and Payments

- 19. 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.
- 20. 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.

21. 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.
22. 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
23. shall be subject to such validation and accounting procedures as the Council's Chief Finance Officer may from time to time prescribe.
24. 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

25. 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.
26. 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

27. 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	£41,472.00
Deputy Leader of the Council	£27,648.00
Other Members of the Cabinet	£22,116.00

Committees

Chair

Each Scrutiny Committee	£ 8,292.00
Oxfordshire Joint Health	
Overview and Scrutiny Committee	£ 8,292.00
Horton HOSC#	£ 6,228.00
Audit & Governance Committee	£ 8,292.00
Planning & Regulation Committee	£ 8,292.00
Pension Fund Committee	£ 8,292.00

Other Office Holders

Chair of the Council	£ 11,748.00
Vice-Chair of the Council	£ 2,928.00
Leader of the Opposition	£ 13,824.00
Shadow Cabinet Members	£ 3,456.00
Locality Meeting Chair	£ 1,380.00

Police and Crime Panel chair*#	£ 7,872.00
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Adoption and Fostering Panel Members	£109.00 per Panel hearing**
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* Allowance only payable if the postholder is not a Cabinet Member

Agreed by Council 2 April 2019

** to be capped at £1,304.00 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.

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Part 10.1 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 following a decision by Council on 2 November 2021, as amended by the decision of Council on 28 March 2023 and subsequent decision of 12 December 2023. The appended Schedule 1 reflects the annual up-lift for Members Allowances in line with the percentage rise in employee costs in the staff pay award.*

Basic Allowance

1. Subject to the provisions of this Scheme, a basic allowance of ~~£13,356.00~~ **£13,824.00** 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 and Independent co-opted member of the Audit & Governance Committee (sections 16 to 18), shall be amended annually in line with the percentage rise in overall employee costs for Oxfordshire County Council arising from 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 43 **12**, 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 43 **12** 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 ~~£7,584.00~~ **£8,292.00** per annum.
- 18. A co-optees' allowance shall be payable to independent co-opted members of the Audit & Governance Committee who do not serve as chair of the Audit Working Group. The allowance payable for this role shall be ~~£3,156.00~~ **£3,264.00** per annum.

Claims and Payments

- 19. 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.
- 20. 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.

21. 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.
22. A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:
 - (a) shall be made in writing **or electronically** 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
23. shall be subject to such validation and accounting procedures as the Council's Chief Finance Officer may from time to time prescribe.
24. 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

25. A councillor may at any time and for any period, by notice in writing **or electronically** given to the Chief Executive Officer, elect to forego any part of his/her entitlement to an allowance under this Scheme.
26. 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

27. 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	£40,068.00	£41,472.00
Deputy Leader of the Council	£26,712.00	£27,648.00
Other Members of the Cabinet	£21,372.00	£22,116.00

Committees*Chair*

Each Scrutiny Committee	£8,016.00	£ 8,292.00
Oxfordshire Joint Health Overview and Scrutiny Committee	£8,016.00	£ 8,292.00
Horton HOSC#	£6,012.00	£ 6,228.00
Audit & Governance Committee	£8,016.00	£ 8,292.00
Planning & Regulation Committee	£8,016.00	£ 8,292.00
Pension Fund Committee	£8,016.00	£ 8,292.00

Other Office Holders

Chair of the Council	£ 11,748.00	£11,352.00
Vice-Chair of the Council	£ 2,928.00	£2,865.00
Leader of the Opposition	£ 13,824.00	£13,356.00
Shadow Cabinet Members	£ 3,456.00	£3,336.00
Locality Meeting Chair	£ 1,380.00	£1,332.00

Police and Crime Panel chair*#	£ 7,872.00	£7,584.00
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Adoption and Fostering Panel Members	£109.00	£105.00 per Panel hearing**
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* Allowance only payable if the postholder is not a Cabinet Member

Agreed by Council 2 April 2019

** to be capped at **£1,304.00** ~~£1,260.00~~ 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.

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Part 7.2 Scheme of Delegation to Officers

Section	Current text	Proposed text	Reason
6.4	The Director of Law & Governance is authorised to:	The Director of Law & 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;	<p>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;</p> <p>i. The Director of Law and Governance and Monitoring Officer will be responsible for the safe-keeping and secure administration of the Common Seal of the Council.</p> <p>ii. The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Director of Law and Governance and Monitoring Officer may from time to time authorise. References in this Rule and elsewhere in the Constitution to the Common Seal (or the Seal) of the</p>	To enable the Monitoring Officer to affix a seal by electronic means and clarify responsibilities for administration of the seal and authentication of legal documents.

		<p>Council and to the sealing of documents shall be taken to refer to the official seal and any accompanying attesting signatures as being affixed either by physical means, or by the electronic means provided for in this Rule.</p> <p>iii. The Director of Law and Governance and Monitoring Officer or other person authorised by them may authenticate any document that may be required for legal proceedings.</p>	
Add (w)		<p>to update Part 10.1 Members' Allowances annually in line with any requirement under the Scheme of Allowances to apply indexation to Members' Allowances.</p>	<p>To allow the Monitoring Officer to make the necessary changes annually when the Scheme of Allowances provides for the indexation of allowances.</p>

Oxfordshire Health & Wellbeing Board

Terms of Reference

1. Health & Wellbeing Board

The Oxfordshire County Council and NHS have a duty to establish a Health & Wellbeing Board¹. The Board is 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:

- (1) Create and own a single unifying vision for the improvement of the Health and Wellbeing of Oxfordshire residents;
- (2) Create, own and monitor a comprehensive high-level Joint Local Health and Wellbeing Strategy² for the improvement of the Health and Wellbeing of Oxfordshire residents;
- (3) Agree a suite of strategies which will be created and monitored by its sub-committees and sub-groups. These will flow from the overarching Joint Local Health and Wellbeing Strategy;
- (4) Monitor the implementation of its strategies and the member organisations will hold one another to account for delivery. The Board will receive regular reports from its subcommittees and sub-groups based on outcome measures set by each;
- (5) Prepare a Joint Strategic Needs Assessment,³ to describe the health needs of the population and help to determine the priorities and objectives for health and social care services across Oxfordshire, and a Pharmaceutical Needs Assessment⁴ to assess and set out how the provision of pharmaceutical services can meet the health needs of the population for a period of up to three years, linking closely to the Joint Strategic Needs Assessment;
- (6) Oversee the joint commissioning arrangements for health & social care across the county and be the accountable body for the Better Care Fund;

¹ 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

² In accordance with sections 116 and 116A of the Local Government and Public Involvement of Health Act 2007

³ In accordance with sections 116 and 116A of the Local Government and Public Involvement of Health Act 2007

⁴National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

- (7) Maintain oversight of the commissioning intentions of both the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) and the Council;
- (8) Generally exercise the functions of the Council and its partner ICB under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act");
- (9) 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);
- (10) 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;
- (11) 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;
- (12) Establish and monitor Partnership Boards as required to help deliver required service change and improved outcomes.

Additionally, the Board may:

- (13) Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health & Wellbeing Board;
- (14) 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;
- (15) Give the Council its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act;
- (16) Receive annual reports from Adult Safeguarding Board(s) and Children Safeguarding Board(s).

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 Health and Wellbeing Board will involve Integrated Care System and wider partners. The membership⁵ of the Health & Wellbeing Board will be:

⁵ The membership is to be interpreted as the membership specified by Section 194 of the Health and Social Care Act 2012.

- (1) Leader of the County Council – Chair;
- (2) ~~ICB Clinical Lead with Oxfordshire responsibilities;~~ **Chair of Oxford University Hospitals NHS Foundation Trust – Vice Chair;**
- (3) ~~Place Director Oxfordshire ICB~~ **ICB Executive Director with Oxfordshire Place responsibility**
- (4) One representative from each of the District and City Councils within Oxfordshire County Council's area;
- (5) Cabinet Members of the County Council with responsibility for Adult Social Care, Children, Education & Family Services and Public Health;
- (6) Chief Executive Oxford Health NHS Foundation Trust;
- (7) Chief Executive Oxfordshire County Council;
- (8) One Chief Executive representative from City & District Councils;
- (9) A Healthwatch representative;
- (10) The Director ~~for~~ **of** Children's Services;
- (11) The Director ~~for~~ **of** Adult Social Care;
- (12) The Director of Public Health;
- (13) An NHS England representative;
- (14) One Primary Care provider representative;
- (15) 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;
- (16) Such additional persons as the Health & Wellbeing Board may determine.

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

A link to the membership details of the Board can be found here: [Committee details - Oxfordshire Health & Wellbeing Board | Oxfordshire County Council](#)

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 Lead in ICB for Oxfordshire Place~~ **the Chair of Oxford University Hospitals NHS Foundation Trust** as notified to the

Monitoring Officer. In the absence of either of these persons, the Board will elect a chairman for the duration of the meeting unless or until the Chairman or Vice-Chairman arrive, in which case the Chairman or Vice-Chairman will preside as appropriate.

5. Voting Rights

All members of the Board or of any sub-committee or sub-group (or of any joint sub-committee of two or more such boards) shall be treated as voting members of the Board or sub-committee or sub-group, unless the Council decides otherwise in any particular circumstance. In which case, before making such a direction, the Council must consult the Board.

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

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

Virtual attendance

Board Members are required to attend formal Board meetings in person. Guest speakers and report authors may use hybrid/virtual meeting arrangements to participate at the meeting.

Public statements

Members of the public can make their statements in person or via hybrid/virtual meeting arrangements.

6. Validity of Proceedings

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

As a committee of the Council, except where set out in these Terms of Reference the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the 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 People Overview and Scrutiny Committee.

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 or sub-groups) are subject to the County Council's Members' Code of Conduct. This includes the requirement to register Disclosable or Registerable 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 or sub-group), 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 substitute to attend on their behalf. However, any substitutes should reflect the seniority and status of the member making the substitution. Substitutions should be communicated to the Chair of the Board in advance of the meeting.

Quorum

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 four times a year. The Board may meet informally, and not in public, at other times e.g. for purposes of informal group discussion, 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 Sub-Groups

The Health & Wellbeing Board will be mindful of its powers to appoint one or more sub - groups or 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 Reference Group.

Appointment of Sub-Committees and Sub-Groups

The Health & Wellbeing Board may appoint sub-committees or sub-groups. The Board may appoint one or more sub-committees or sub-groups 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 or sub-groups to advise the Board with respect to any matter relating to the discharge of the Board's functions.

The membership of any sub-committees or sub-groups will be for the Board to determine. The sub-committees and sub-groups 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 or sub-group 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.

Sub-Groups may include advisory or working groups and other such informal task and finish groups, to assist with any of the Board's functions.

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Divisions affected – All

COUNCIL

1 APRIL 2025

COMMITTEES AND REVIEW OF POLITICAL BALANCE

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. Council is RECOMMENDED
 - a) To note the review of political balance of committees to reflect the formation of the Green Group and Reform UK Group.
 - b) To appoint members to the committees of the Council as listed at Annex 1.

Background

2. Seats are allocated to political groups in accordance with the groups' proportionate strength on the Council as a whole. Any seats left over are distributed to any non-aligned Independent members who are not members of a political group.
3. The following rules, in priority order, apply for political proportionality:
 - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee.
 - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.
 - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
 - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).

4. As the Council does not have a majority administration, (i) is not applicable but (ii), (iii) and (iv) do need to be applied to the allocation of seats.

Review of political balance

5. Since the last meeting of Council on 11 February 2025, the three Green councillors in the Liberal Democrat – Green Alliance registered to form their own group. Also, Councillor Felix Bloomfield left the Conservative Independent Alliance and formed a Reform UK Group with Councillor Kevin Bulmer.
6. The political balance calculation is now based on the following political group sizes:
- | | |
|----|---|
| 20 | Liberal Democrats |
| 19 | Conservative Independent Alliance (CIA) |
| 14 | Labour & Cooperative Party |
| 3 | The Independent Voice of Oxfordshire |
| 3 | Green Group |
| 2 | Reform UK Group |
| 2 | Non-aligned Independent |
7. The revised political proportionality calculations are shown in Annex 2 and are summarised as follows:
- i) Green councillors hold one place too many on the committees.
 - ii) The Liberal Democrats are under-represented by one full place.
 - iii) Reform UK councillors hold one place too many.
 - iv) The Conservative Independent Alliance is under-represented by one place.
 - v) Labour and Cooperative Party Group representation is unchanged
 - vi) The Independent Voice of Oxfordshire representation is unchanged
 - vii) The seats allocated to non-aligned Independents are unchanged.

Appointments

8. The following change has been agreed by the leaders of the Conservative Independent Alliance (CIA) and Reform UK:
- Councillor Felix Bloomfield's position on the Charlotte Coxe Trust Committee will transfer to the CIA.
9. The following change has been agreed by the leaders of the Liberal Democrat and Green groups:

- Councillor Ian Middleton will be replaced on the Performance & Corporate Services Overview & Scrutiny Committee by a Liberal Democrat councillor to be confirmed.

Legal implications

10. The rules on political balance are contained in Sections 15, 16 and 17 of the Local Government and Housing Act 1989 ('the Act') and the Local Government (Committees and Political Groups) Regulations 1990. The applicable rules from Section 15(5) of the Act are summarised in paragraphs 3 and 4 of the report and these have been applied to the calculations in the annexes. Other legal considerations are contained in the main body of this report.

Comments checked by:

Kim Sawyer

Interim Head of Legal and Governance

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Financial implications

11. There are no financial implications arising from the recommendations in this report.

Comments checked by:

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Assistant Finance Business Partner

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Anita Bradley

Director of Law & Governance and Monitoring Officer

Annex 1 – Committee membership and other appointments

Annex 2 – Political proportionality calculations

Contact officer:

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March 2025

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Committee membership – April 2025

Key

Liberal Democrats	LD	
Conservative Independent Alliance	CIA	
Labour & Cooperative Party Group	Lab Coop	
The Independent Voice of Oxfordshire	TIVOO	
Green Group	Green	
Reform UK	RUK	
Non-aligned Independent	NA Ind	

	LDG	CIA	Lab Coop	TIVOO	Green	RUK	NA Ind
Audit & Governance (9)	3	3	2		1		
	Bob Johnston	Ted Fenton	Charlie Hicks		Ian Middleton		
	Jenny Hannaby	Yvonne Constance	Glynis Phillips				
	Roz Smith	Nick Leverton					
BOB HOSC (7)	3	2	1	1			
	Jane Hanna	Nick Leverton	Michael O'Connor	Damian Haywood			

	Jenny Hannaby	Nigel Champken-Woods					
	Freddie van Mierlo						
Charlotte Coxe Trust (5)	1	1	1		1		1
	Freddie van Mierlo	Vacant	Geoff Saul		Robin Bennett		Jane Murphy
E&YP OSC (9)	3	3	2	1			
	Andy Graham	Nigel Simpson	Liz Brighthouse	Sally Povolotsky			
	Jenny Hannaby	Michael Waine	Trish Elphinstone				
	Roz Smith	Ian Corkin					
Horton HOSC (8)	3	3	1				1
	Andy Graham	Arash Fatemian	Mark Cherry				Hannah Banfield
	Jane Hanna	Kieron Mallon					
	Jenny Hannaby	Tony Ilott					
Oxfordshire Joint HOSC (7)	3	2	2				

	Jane Hanna	Nick Leverton	Mark Lygo				
	Jenny Hannaby	Yvonne Constance	Michael O'Connor				
	Freddie van Mierlo						
Pension Fund (7)	2	2	2		1		
	Peter Stevens	Nick Field-Johnson	Imade Edosomwan		Ian Middleton		
	John Howson	Donna Ford	Michael O'Connor				
People OSC (9)	3	3	2			1	
	Andy Graham	Kieron Mallon	Trish Elphinstone			Kevin Bulmer	
	Jenny Hannaby	Nick Leverton	Imade Edosomwan				
	Alison Rooke	Michael Waine					
Performance & Corporate Services OSC (9)	3	3	2	1			
	TBC	Arash Fatemian	Brad Baines	Damian Haywood			
	Calum Miller	Kieron Mallon	Glynis Phillips				

	Bob Johnston	Eddie Reeves					
Place OSC (9)	1	2*	3		1	1*	1
	Bethia Thomas	Nigel Simpson	Charlie Hicks		Robin Bennett	Felix Bloomfield	Vacancy
		Liam Walker	Duncan Enright				
			Susanna Pressel				
Planning & Regulation (12)	3	3	3	1	1	1	
	Peter Stevens	Les Sibley	Geoff Saul	Stefan Gawrysiak	Robin Bennett	Felix Bloomfield	
	David Rouane	Ted Fenton	Mohamed Fadlalla				
	Bob Johnston	Ian Snowdon	Imade Edosomwan				
Remuneration (6)	2	2	1	1			
	Liz Leffman	Nigel Simpson	Liz Brighthouse	Stefan Gawrysiak			
	John Howson	Kieron Mallon					

- The Conservative Independent Alliance cedes a place to Reform UK.

Other appointments – April 2025

OCC & Employees JCC (7)	1	3	2		1		
	Neil Fawcett	David Bartholomew	Trish Elphinstone		Ian Middleton		
		Juliette Ash	Glynis Phillips				
		Tony Ilott					
OCC & Teachers JCC (5)	2	2	1				
	Andy Graham	Ian Corkin	Susanna Pressel				
	Kate Gregory	Michael Waine					
OCC JCC for Uniformed Members of the Fire Service (7)	3	2	2				
	Kate Gregory	Ted Fenton	Andrew Coles				
	Nathan Ley	Nick Leverton	Mark Lygo				

	Alison Rooke						
Thames Valley Police & Crime Panel (1)	1						
	Roz Smith						

Group	Seats	%
Liberal Democrats (LD)	20	31.75%
Conservative Independent Alliance (CIA)	19	30.16%
Labour and Cooperative Party Group (LAB)	14	22.22%
The Independent Voice of Oxfordshire (TIVOO)	3	4.76%
Green Group (Grn)	3	4.76%
Reform UK Group (RUK)	2	3.17%
Non-aligned Independent (NA Ind)	2	3.17%
Total	63	100.00%

		LD %	LD Alloc	CIA %	CIA Alloc	Lab %	Lab Alloc	TIVOO %	TIVOO Alloc	Grn %	Grn Alloc	RUK %	RUK Alloc	NA Ind %	NA Ind Alloc
Planning & Regulation Committee	12	3.81	3	3.62	3	2.67	3	0.57	1	0.57	1	0.38	1	0.38	
Audit & Governance Committee	9	2.86	3	2.71	3	2.00	2	0.43		0.43	1	0.29		0.29	
Pension Fund Committee	7	2.22	2	2.11	2	1.56	2	0.33		0.33	1	0.22		0.22	
Remuneration Committee	6	1.90	2	1.81	2	1.33	1	0.29	1	0.29		0.19		0.19	
Charlotte Coxe Trust Committee	5	1.59	1	1.51	1	1.11	1	0.24		0.24	1	0.16		0.16	1
Overview & Scrutiny Committees:															
Performance & Corporate Services OSC	9	2.86	3	2.71	3	2.00	2	0.43	1	0.43		0.29		0.29	
People OSC	9	2.86	3	2.71	3	2.00	2	0.43		0.43		0.29	1	0.29	
Place OSC	9	2.86	1	2.71	2	2.00	3	0.43		0.43	1	0.29	1	0.29	1
Education and Young People OSC	9	2.86	3	2.71	3	2.00	2	0.43	1	0.43		0.29		0.29	
Horton HOSC	8	2.54	3	2.41	3	1.78	1	0.38		0.38		0.25		0.25	1
Oxford Joint HOSC	7	2.22	2	2.11	2	1.56	2	0.33	1	0.33		0.22		0.22	
BOB HOSC	7	2.22	4	2.11	2	1.56	1	0.33	0	0.33		0.22		0.22	
Overall com total	97	30.79	30	29.25	29	21.56	22	4.62	5	4.62	5	3.08	3	3.08	3

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Divisions Affected – N/A

COUNCIL – 1 April 2025

THE USE OF URGENCY PROVISIONS

Report by Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **Council is RECOMMENDED to note**

(a) the exemption from Call-in of the following decision:

- Cabinet on 20 March 2025 - Initial Response to Government: Statutory invitation for Local Government Reorganisation and Devolution

Executive Summary

2. The Constitution makes provision for urgent decisions to be made exempt from call-in on the agreement of the Chair of the Council. When this occurs, it must be reported to the next meeting of Council.
3. There was one occasion on which this provision was used since the last meeting of Council on 11 February 2025. The Chair of the Council, Councillor Rooke, agreed in this case that the matter should be treated as urgent and agreed to waive the call-in period.
4. In each case, it was proposed that the decision should not be subject to call-in due to the requirement to implement the decision by a deadline set by Central Government or legislation. The individual circumstances are detailed below.

Urgency Provisions

5. The Constitution states (Part 6.2, Section 20) that the provision for Call-In “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."

6. The Leader of the Council called an extra meeting of Cabinet on 20 March 2025 in order to agree an initial response to a statutory invitation from the Government on Devolution and Local Government Reorganisation. The deadline to submit the response to the Minister of State for Local Government and English Devolution was 21 March 2025. It would not have been possible to meet that deadline if the decision had been subject to call-in.

Financial Implications

7. There are none arising from this report which is noting decisions previously taken.

Comments checked by:

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Legal Implications

8. Regulation 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the executive leader submits a report to the authority at least annually on executive decisions taken in cases of special urgency (Regulation 11), including the particulars of each decision.

This report is fulfilling both the legal and Constitutional duty to inform Council.

Comments checked by:

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ANITA BRADLEY
Director of Law & Governance and Monitoring Officer

Annex: None

Background papers: None

Contact Officer:

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March 2025

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Divisions Affected: N/A

COUNCIL – 1 APRIL 2025

INTERIM ARRANGEMENTS FOR TAKING EMERGENCY DECISIONS IMMEDIATELY FOLLOWING THE COUNTY COUNCIL ELECTIONS

Report by Director of Law & Governance and Monitoring Officer

RECOMMENDATION

Council is **RECOMMENDED** to agree a temporary variation to Part 7.2 of the Scheme of Delegation to Officers with effect that from 5 May to 20 May 2025 paragraph 6.3 (c) is to be read as follows:-

“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chair and Vice-Chair of the Council and the Leader, as appropriate.”

Introduction

1. This report seeks approval to a temporary variation to the delegated powers of the Chief Executive to aid effective decision making in the period between the retirement of councillors following the elections in May and the Annual Council meeting on 20 May 2025.

Background

2. Under the provisions of section 7 of the Local Government Act 1972 (as amended), all the existing County Councillors will retire together on the fourth day following the elections (i.e. on 5 May 2025) and the newly elected and re-elected Councillors will take office from that day. All positions under the Council's political management arrangements except for the Chair and Vice-Chair of the Council and the Leader (for each of which there is a specific statutory exemption) fall vacant on that day, until they are filled at the first meeting of the County Council on 20 May 2025. In terms of formal member decision making there will therefore be a hiatus during this period and some provision will need to be made in the event that any urgent decisions are required.
3. Under the Constitution the Chief Executive has delegated power to take any Executive or non-Executive decision after consultation with the appropriate Director and following consultation with the Leader and Deputy Leader of the

Council or (in the case of non-executive functions) the relevant Committee Chair and Deputy Chair:

“6.3 (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 their 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 their absence, the Deputy Chair of the relevant committee or sub-committee.”
4. As the positions of Chair and Vice-Chair of the relevant Committee will not be confirmed until 20 May 2025 this delegation will need to be temporarily varied so that these powers can be exercised following consultation with the Chair and Vice-Chair of the Council. In relation to executive functions this delegation will confirm consultation is only required with the Leader.

Financial Implications

5. There are no financial implications arising directly from this report.

Comments checked by:

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Legal Implications

6. The recommendation supports the formal, effective and timely decision-making process following the retirement of councillors and prior to the Annual Council meeting. Relevant law is referred to in the body of this report.

Comments checked by:

Kim Sawyer
Interim Head of Legal and Governance
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Equality & Inclusion Implications

7. There are no equality and inclusion implications raised directly by the recommendations in this report.

ANITA BRADLEY

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March 2025

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