



To: Members of the Audit & Governance Committee

***Notice of a Meeting of the Audit & Governance
Committee***

Wednesday, 12 March 2025 at 1.00 pm

Room 2&3 - 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

Committee Officers: *Committee Services*
Email: committees.democraticservices@oxfordshire.gov.uk

Membership

Chair – Councillor Ted Fenton
Deputy Chair - Councillor Roz Smith

Councillors

Yvonne Constance OBE
Jenny Hannaby
Charlie Hicks

Bob Johnston
Nick Leverton
Ian Middleton

Glynis Phillips

Co-optee

Dr Geoff Jones

Notes:

- ***Date of next meeting: 4 June 2025***



AGENDA

- 1. Apologies for Absence and Temporary Appointments**
- 2. Declaration of Interests - see guidance note**
- 3. Minutes (Pages 1 - 12)**

To approve the minutes of the meeting held on 15 January 2025 (**AG3**) and to receive information arising from them.

4. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

To facilitate 'hybrid' meetings we are asking that requests to speak or present a petition are submitted by no later than 9am four working days before the meeting. 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 your views are taken into account. A written copy of your statement can be provided no later than 9am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

5. Treasury Management Q3 Performance Report 2024/25 (Pages 13 - 28)

Report by Executive Director of Resources & Section 151 Officer.

The performance for the three quarters of the year to December 2024 is measured against the budget agreed by Council in February 2024 in this report.

The Audit & Governance Committee is RECOMMENDED to note the council's treasury management activity at the end of the third quarter of 2024/25.

6. Changes to Constitution of Pension Fund Committee (Pages 29 - 30)

Report by the Executive Director of Resources & Section 151 Officer

The AUDIT AND GOVERNANCE COMMITTEE is RECOMMENDED to

Approve the changes to the mandatory training requirement of the Pension Fund Committee Members as set out below.

7. Report of the Constitution Working Group (Pages 31 - 264)

Report by Director of Law and Governance and Monitoring Officer

The Audit and Governance Committee is RECOMMENDED to recommend to Council

- (a) to approve amendments listed in Annex 1 to the following Parts of the Council's Constitution:
 - (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 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.
- (c) to delegate to the Director of Law & Governance and Monitoring Officer the ability to update Part 10.1 Members' Allowances annually in line with any requirement under the Scheme of Allowances to apply indexation to Members' Allowances.

8. Accounting Policies (Pages 265 - 288)

Report by Executive Director of Resources and Section 151 Officer.

This report sets out the approach taken to the preparation of the 2024/25 Statement of Accounts including:

- The proposed timetable for the publication and public inspection of the 2024/25 Statement of Accounts
- Changes to de minimis levels for capitalisation.
- Changes to the Chartered Institute of Public Finance and Accountancy (CIPFA) 2024/25 Code of Practice on Local Authority Accounting in the United Kingdom (the Code) for 2024/25

The approved Significant Accounting Policies which describe how the Council has interpreted and applied the Code and form the basis of preparation of the accounts.

The Audit and Governance Committee is RECOMMENDED to

- Endorse the proposed timetable to produce the draft Statement of Accounts for 2024/25
- Consider and approve the change in the De Minimis Level for capitalisation.
- Ratify the accounting policies including new changes for 2024/25 as approved by the Executive Director of Resources and Section 151 Officer and included as an annex to this report.

9. Counter Fraud Update (Pages 289 - 296)

Report by Executive Director of Resources.

This report presents a summary of activity against the Counter Fraud Plan for 2024/25, presented to the July 2024 Audit & Governance committee meeting, with a further updated provided to the November 2024 meeting. The Counter Fraud plan supports the Council's Anti-Fraud and Corruption Strategy by ensuring that the Council has proportionate and effective resources and controls in place to prevent and detect fraud as well as investigate those matters that do arise.

The Committee is RECOMMENDED to note the summary of activity against the Counter Fraud Plan for 2024/5.

10. Audit and Governance Committee Annual Report to Council (Pages 297 - 308)

Report by Executive Director of Resources and Section 151 Officer.

In accordance with CIPFA (The Chartered Institute of Public Finance & Accountancy) Audit Committee Guidelines for Local Authorities 2022, it is recommended practice for an annual public report to be produced and reported to Council demonstrating how the committee has discharged its responsibilities.

The Audit & Governance Committee is RECOMMENDED to review the draft report, agree any amendments and finalise in preparation for presentation to Council by the Chair of the Audit & Governance Committee.

11. Internal Audit Progress Report (Pages 309 - 330)

Report by the Executive Director of Resources and Section 151 Officer.

This report provides an update on the Internal Audit Service, including resources, completed and planned audits.

The report includes the Executive Summaries from the individual Internal Audit reports finalised since the last report to the January 2025 Committee. Since the last update, there have been no red reports issued.

The Committee is RECOMMENDED to note the progress with the 2024/25 Internal Audit Plan and the outcome of the completed audits.

12. Policy on Councillor Training and Development (Pages 331 - 338)

Report by Director of Law and Governance and Monitoring Officer

The Audit and Governance Committee is RECOMMENDED to

- a) Review the Policy on Councillor Training and Development in Annex 1;
- b) Agree to consider the Policy at the Audit & Governance Committee's next meeting in June following consultation with the Member Reference Group on the categorisation of training included in Table 1.

13. Oxfordshire Code of Corporate Governance (Pages 339 - 354)

Report by Director of Law & Governance and Monitoring Officer.

In 2016 CIPFA & SOLACE produced an updated guidance and framework with the identified principles that should underpin the governance of each local authority, and a structured approach to assist individual authorities to achieve good governance, "Delivering Good Governance in Local Government: Framework 2016 Edition." The Council's Code of Corporate Governance is based upon this guidance.

The Committee is RECOMMENDED to approve the Oxfordshire Code of Corporate Governance.

14. Ernst & Young Update (Verbal Report)

A verbal update on the 2023/24 County Council and Pension Fund audits.

15. Audit & Governance Committee Work Programme (Pages 355 - 356)

The Committee is invited to note and comment on the work programme.

Close of meeting

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.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then 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.

Agenda Item 3

AUDIT & GOVERNANCE COMMITTEE

MINUTES of the meeting held on Wednesday, 15 January 2025 commencing at 1.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Ted Fenton – in the Chair

Councillor Roz Smith (Deputy Chair)
Councillor Yvonne Constance OBE
Councillor Jenny Hannaby
Councillor Charlie Hicks
Councillor Bob Johnston
Councillor Ian Middleton
Councillor Glynis Phillips
Dr Geoff Jones

Officers:

Whole of meeting Lorna Baxter (Executive Director of Resources and Section 151 Officer), Anita Bradley (Director of Law and Governance and Monitoring Officer), Sarah Cox (Chief Internal Auditor) and Shilpa Manek (Democratic Services Officer)

Part of meeting Sean Rooney (Head of Highway Maintenance Road Safety), Paul Fermer (Director of Environment and Highways), Rose Sutton (Project Manager (BPSI Team)), Tim Chapple (Treasury Manager), Ella Stevens (Deputy Chief Accountant), Kathy Wilcox (Head of Corporate Finance), Paul Grant (Head of Legal), Louise Tustian (Director Transformation Digital and Customer Experience) and Rachel Brolly (Performance and Insight Team Leader)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting.

1/25 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

There were no apologies for absence received.

2/25 DECLARATION OF INTERESTS - SEE GUIDANCE NOTE

(Agenda No. 2)

There were no declarations of interest received.

3/25 MINUTES

(Agenda No. 3)

Resolved: That the minutes of the meeting held on 27 November 2024, were agreed as an accurate record and signed by the Chair.

4/25 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

There were none received.

5/25 HIGHWAYS CONTRACT ARRANGEMENTS

(Agenda No. 5)

The Head of Highway Maintenance presented the report to the Committee and made the following points:

- The existing highway maintenance contract was set to expire on 31 March 2025 with no options to extend. Following approval at Cabinet in October 2023, Officers prepared and commenced the procurement of a new highway maintenance contract to start on 1 April 2025 (following a mobilisation period) for 8 years with options for two 3-year extensions (14-year potential contract length). Following an open procurement exercise, a preferred bidder had been selected and the contract awarded. Work had commenced to manage the transition to the new contract.
- The services covered under this contract are the maintenance and improvement of the Council's highway network. The agreed procurement process for the contract was a two stage 'competitive procedure with negotiation' (CPN) to ensure a meaningful dialogue was maintained with suppliers throughout the lifecycle of the process but still allowed the Council the flexibility to award the contract based on the initial tenders without any negotiation. Following receipt of the Initial Tenders, the Council took the decision to proceed with the award of this Contract based on the evaluation of Initial Tenders, not progressing to negotiation or submission of Final Tenders. The CPN procedure permits the Council to award the contract based on an evaluation of the Initial Tenders and the Council reserved the right to do so at its absolute discretion.
- A recent internal audit report highlighted that there was 'a good system of internal control in place' and the fact that the transition plans were 'robust and clearly outlined and defined the Council's approach to contract closure of the existing contract and the formal acceptance of project deliverables, objectives and commitments under the new contract.
- Once the contract had commenced, the council would measure and manage performance in accordance with S825 of the scope, Performance Management, which set out the performance requirements for all aspects of the contract. This would be a platinum rated contract for the Council, therefore

the Procurement and Contract Management Hub would have strategic oversight of the contract. The operational team would contract manage on a day-to-day operational basis including social value commitments.

Members commented that the report was well informed and provided reassurance to the Committee. The following points were raised by Members:

- The internal audit carried out and scoring well provided good reassurance that the correct internal controls were in place and that the transition plans were robust.
- A point was raised about the agreed procurement process and the question was raised as to why a decision was taken based on the initial tenders. It was clarified to the Committee that there was always the flexibility to award the contract based on the initial tenders without any negotiations. Following receipt of the initial tenders, a decision was taken to proceed with the award of the Contract based on the evaluation of initial tenders. The CPN procedure permits the Council to do this.
- Members asked if any break clauses had been considered in the duration of the contract and were advised that the ability was there if required but a fundamental review had been built in in year 5 which would consider quality and finance. There was a right to terminate the contract if the criteria were not being met.
- Officers were asked if self-certification had been considered and responded that the contract was based on a schedule rate and cost certainty which would be closely monitored and balanced. There was a high level of governance for the contract which was different in many ways where there was greater control and involvement.
- Members asked if Value for Money had been given sufficient regard and had there been market failure as the two stages had not been followed. Officers offered reassurance that the process had been followed that had been set out from the start. There had been sufficient exploration of the market. The tender evaluation was in place and there was greater visibility and confidence in place as Value for Money was the key thing that had been maximised.
- Concern was raised about the works programme and it being the same as the current one. Drainage had been a major concern for residents, and this needed to be addressed in the new works programme. The Committee was reassured that the programme was the scope of work, and this was being developed and all the concerns would be taken into consideration.

Resolved: That all but Councillor Ian Middleton were happy to note the governance in place and associated activities to enable the successful transition from the existing to new highways maintenance contract due to commence on 1 April 2025.

6/25 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2025/26

(Agenda No. 6)

The Treasury Manager presented the report and indicated the following:

The report outlined the Council's strategic objectives in terms of its debt and investment management for the financial year 2025/26. There were two typos on page one of the report. The figures for the forecast average cash balance were £405m and £301m.

As the council's Capital Financing Requirement (CFR) was proposed to increase significantly over the medium term, the strategy would aim to decrease long term investments to allow for greater internal borrowing.

On the external funds, there were no changes forecasted, and these would remain at £100m, providing an income of just under £4m for the year. The government had indicated that IFRS 9 statutory override was going to end on 31 March 2025. This would mean that any fluctuations to the fair value would need to be taken to the revenue account and not the balance sheet. A reserve had already been set up for £5m to deal with any fluctuations.

In response to Members, the following was noted:

- The Bank of England Base Rate was forecasted to start the year at 4.5%, reducing to 3.75% - 3.50% by the end of the financial year. The Treasury Manager was not very confident that it would reach this low as it was a very volatile market, however, all economists were predicting that it would go down.
- The downsides of going to a lower long term lending limit and an increased internal borrowing would mean a reduction in interest receivable, but that would be offset by the reducing the cost.
- The treasury management perspective differed from the pension fund as the Treasury Management Code mentions that treasury management have to prioritise security and liquidity above everything else. The report did not expect to have any negative impact to the Council's zero carbon emissions commitment by 2030. The Council mainly invested in other local authorities that probably had very similar policies in place.
- If inflation rates and bank rates stayed high and if the gilt rates increased, this would help the Council on the in-house investment portfolio.

Resolved: that the Committee endorsed the Treasury Management Strategy and Annual Investment 2025/26 as outlined in the report.

7/25 ANNUAL GOVERNANCE STATEMENT- UPDATE ON ACTIONS

(Agenda No. 7)

The Director of Law and Governance and Monitoring Officer presented the report to the Committee. It was the latest look on the seven actions from the Annual Governance Statement for 2023/24. The actions were in the report from A to G, followed by the update on each action.

Members of this Committee were also updated on the Constitution Working Group carrying out a review. The recommendations would be presented at Council on 1 April 2025 but would come to the next meeting of this Committee. Members of the Working Group had been requested to take the recommendations to their Group in advance of the discussion at the Audit and Governance Committee.

The HR policies action was on track with only one of the six policies pending approval.

The Committee had received a full update at the November meeting and there was nothing further to report on the ICO expectations when handling FOI and EIR requests.

The proactive training for Governance was ongoing.

Resolved: that the Committee received the update on the actions from the Annual Governance Statement 2023/24.

8/25 ELECTORAL FEES AND CHARGES APRIL 2025

(Agenda No. 8)

The Director of Law and Governance and Monitoring Officer presented the report to the Committee. Members were advised that they were asked to note the scale of fees as it was the responsibility of Returning Officer to approve these. The table set out the existing fees and then the new proposed fees.

In accordance with the Council's practice, a review had been undertaken in consultation with the County, City and District Council election specialists in Oxfordshire who assist the Returning Officer in running the County Council's elections and by-elections. The District Councils would use this scale when acting on behalf of the Returning Officer and were generally mindful of the County Council's scale of fees and charges when setting their own scales of fees and charges, including for any by-elections held within the financial year 2025/26.

Resolved: that the Committee noted the Scale of Election Expenses for the financial year 2025/26, as shown in the Annex of the report, for the election of County Councillors and any other poll associated with the County Council during the year.

9/25 CONSULTATION - LOCAL AUDIT STRATEGY

(Agenda No. 9)

The Executive Director of Resources and Section 151 Officer informed the Committee that this was a new item on the agenda on the consultation that had been launched alongside numerous other consultations from the government on the 18

December 2024. The report was the proposed responses to the consultation. There were still some questions that had no responses yet as they were still being considered. All the final responses to the consultation would be sent to Members before submission.

The Committee raised the following points:

- There were no proposals for Value for Money studies conducted by the new office and if it could be requested that the financial management reporting could be put back into the new office. There was a complexity of the financial reporting, but it was also important to know what people wanted. There was a duplication of information and some of it could be found on council websites and did not need to be in the report to government. There were other areas that were on the website and didn't need to be reported through the financial report. These would be considered and included.
- The consultation had been well responded to. There were not many members of the public and also Members that understood the accounts, but this was a good response and a way forward.
- Council auditors were approved by the Public Sector Audit Appointments Board. It needed to be clearer in the response that local authorities and auditors both made comments simultaneously.
- Had Officers given any consideration to the options relating to the responsibilities of CIPFA's Code of Practice? There were no other options that CIPFA could take on.

Resolved: that the Committee agree the proposed consultation responses outlined in the annex of the report and Officers to propose responses to the questions currently not answered and the final response to be circulated to the Committee, offline, before the submission date of the 29 January 2025.

10/25 FINANCIAL MANAGEMENT CODE

(Agenda No. 10)

The Executive Director of Resources and Section 151 Officer introduced the report to the Committee. This was an annual assessment of the Council's compliance with the Financial Management Code. This was a retrospective look for the assessment for 2024/25 financial year. This was a very important part of the governance and accountability framework of the organisation.

The Head of Corporate Finance reported that there were 19 standards that were assessed against. In the current years assessment, 17 were green and two were amber, overall demonstrating that compliance could be evidenced. Where relevant, proposed further actions had been included that would enhance compliance. The Head of Corporate Finance went through each standard with the Committee.

Councillor Constance joined the meeting at 14.15pm.

Resolved; that the Committee endorsed the assessment of compliance against the Financial Management Code for 2024/25.

11/25 RISK MANAGEMENT UPDATE

(Agenda No. 11)

The Director of Transformation, Digital and Customer Experience presented the report to the Committee. The report would be presented to the Strategic Leadership Team at the end of January 2025 to discuss where the Council was with the health check update but also to review the strategic risks. A piece of work carried out over the last quarter had been taking place to check all services thoroughly to see where the Council was with the risk health check. This was in line with the Management of Risk Practitioner training and guidance. This would also assist to identify areas where additional training and development around what risks were and how to escalate and manage the risks successfully. Risk awareness sessions were given at Directorate Leadership Team meetings, and this would continue.

The Strategic Risk Register was reviewed monthly by the Council Management Team and bi-monthly by the Strategic Leadership Team, Informal Cabinet and Cabinet and was also an agenda item for Chairs of scrutiny committees to consider. There were currently 10 strategic risks up to November 2024 and these were being reported to Cabinet in January 2025. The residual scores had not changed since the last reporting. As part of further work, a more in-depth report around risks would be presented at the end of quarter one around how risks were being monitored and how scores were assigned.

A point highlighted was the need for training and development round identifying risks and then how to escalate and concerns.

Members highlighted the following points:

- This was an excellent report and included cyber security and climate with the Strategic Risk Register.
- Reorganisation was a new risk that needed to be added to the Strategic Risk Register, especially with the recent White Paper from government that had no consultation prior to the announcement. Officers commented that conversations with the Strategic Leadership Team were taking place to assess the risk and then this would be added to the Strategic Risk Register. ACTION
- Members were pleased to see the ongoing training and commented that this needed to continue.
- Members highlighted that Oxford Core Schemes and HIF1 and HIF2 were red and amber but there was no detail on what the risks were and to whom. Could detail be added to these risks. Officers would bring the risk detail and the risk managers to the next meeting to deep dive into the risks. ACTION

Resolved: that the Committee noted the Risk Management update and suggested the addition of a new risk and requested detail on the risks.

12/25 CONSULTATION - STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND

(Agenda No. 12)

The Chair advised the Committee that they were being asked to agree to the proposed response outlined in the Annex of the report. Members and Groups could also make their own representation to the consultation.

The Director of Law and Governance and Monitoring Officer presented the report to the Committee and gave an overview of the consultation, and the responses suggested.

The consultation was regarding the application of standards and conduct in local authorities.

Members made the following comments:

- Concerns about Members being suspended for anything less than a police investigation or violent behaviour. There needed to be a clear explanation of terminology as it could be interpreted differently by different people.
- There could be political differences when dealing with Members conduct and appeals that could be skewed if it was the Standards Committee was dealing with these. An independent body would be fairer.
- Members were concerned that if a Member was suspended, the residents in their Division would have no representation.
- A discussion took place on whether Cabinet should look at the suggested response and the Committee was reminded that Council had given that role to the Audit and Governance Committee.

The Monitoring Officer commented that there were no further Audit and Governance Committee meetings before the submission date of 26 February 2025. The Consultation had been presented to the Political Group Leaders too. A single response was unlikely to please all Members, but the Monitoring Officer advised that it was better to be proactive and submit a response than not submit any response. The Monitoring Officer would also submit her own response. Members were asked to note that in some parts there was no facility to enter a lot of text.

The Head of Legal commented that the consultation was specifically looking at suspension and a ban on the use of premises and facilities as there were currently no sanctions in the current regime. The Monitoring Officer and Head of Legal advised in their view it was better to deal with these matters in-house via a Standards Committee as that would be by peers of the Member.

The Chair suggested three options to the Committee: that the Committee vote on the recommendations in the report, The response in the report is submitted by the Monitoring Officer or a special Audit Working Group meeting beset up. The

Monitoring Officer advised that the Committee would be required to make a decision upon any recommendation from a Working Group.

The Committee took a vote on the recommendations that had been presented in the report.

Four Members voted for and agreed to the recommendations in the report and three Members voted against the recommendations.

Resolved: that the Committee would make a response to the consultation as outlined in the Annex. The Monitoring Officer would also submit her own response and other Members or Groups could submit their responses by the 26 February 2025.

13/25 ERNST & YOUNG UPDATE

(Agenda No. 13)

An update was presented to the Committee from Ernst & Young.

The main points highlighted included the following:

- The outstanding matters highlighted at the November meeting had all now been resolved and evidence submitted, and the reviews were now being finalised. There were no significant audit changes to the outcome.
- Some additional audit work was still to be completed, and this would be done with engagement with management.
- There would be no change to the results presented in November and the backstop date would be met of 28 February 2025.
- With respect to the Pension Fund, the audit work had been completed. Once again, the final engagement would take place with management. The IS19 assurance letters had been sent to the bodies so Ernst & Young were in a position to sign off both by the backstop date.

The Chair thanked Ernst & Young for the update.

14/25 INTERNAL AUDIT 2024/25 PROGRESS REPORT

(Agenda No. 14)

The Chief Internal Auditor presented the report to the Committee stating that the report was a quarterly progress update on the internal audit side. Updates were given on the resources of the Team. There was one long-term sickness absence that had an impact on the delivery of the plan, and this may affect it further.

The current status of the plan was in a good position but could have been in a better one. The Team was working really hard to complete the plan for 2024/25. There had been eight amendments to the plan, four of the audits had been deferred and four

had been added to replace them. Nine audits had been finalised and there were no overall red opinions. The overall management performance was up from 73% to 75%.

Members raised the following points:

- The report referred to inconsistencies in the approach to strategic contract management across the Council. Had this been checked for the recent Highways contract. The Chief Internal Auditor responded that there had been some large gaps in the other platinum contracts, the Highways contract had not been included but the gaps were now being filled and there was a lot of work ongoing.
- It would be very useful to have a deeper dive at the Audit Working Group on the Strategic Contract Management and the Income Collections for street work and parking and the spending of it. It was suggested that the correct Officers would be identified for them both. The first would be on the March 2025 agenda of the Audit Working Group and the latter would be on the June 2025 Audit Working Group Agenda.

ACTION: To schedule both deep dives

- Of the four deferred audits, there were reasons for three of the four but there was no explanation given for the deferral of the HIF1 scheme, could this be added for consistency.
- Residents had raised concerns about the transparency between Council as an applicant and Council as a planning authority, could these points be considered as part of the audit? The Monitoring Officer reassured the Committee that arrangements had been put into place to ensure the clear separation of functions with regard to legal advice and all Officers on both the Planning side of the authority and the applicant side of the authority. The Chief Internal Auditor commented that the scope of the audit was still being considered but it would consider the governance, risk management and the delivery side.
- The Children's transformation audit had been deferred for three months due to staffing issues.

The Chief Internal Auditor agreed with the Committee that the 31 January 2025 Audit Working Group meeting be cancelled.

Resolved: that the Committee noted the progress with the 2024/25 Internal Audit Plan and the outcome of the completed audits.

15/25 EXTRA MEETING AND WORK PROGRAMME

(Agenda No. 15)

Resolved: that the Committee noted the work programme and made the following points:

- To remove item 5 from the 12 March meeting – 2021/22 Draft Audit Results Report.
- To remove item 6 from the 12 March meeting – Audit Working Group Update.
- To add Constitution Working Group update.
- To add IA Report – Interim Update.
- To circulate the draft Audit and Governance Committee Annual Report to Council to all Members of the Committee for comments.

The Committee agreed the additional meeting date of 4 June 2025.

..... in the Chair

Date of signing

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AUDIT & GOVERNANCE COMMITTEE – 12 MARCH 2025

TREASURY MANAGEMENT QUARTER 3 PERFORMANCE REPORT 2024/25

Report by Executive Director of Resources & Section 151 Officer

RECOMMENDATION

1. **The Audit & Governance Committee is RECOMMENDED to note the council's treasury management activity at the end of the third quarter of 2024/25.**

Executive Summary

1. Treasury management is defined as: "The management of the organisation's borrowing, investments and cash flows, including its banking, money market and capital market transactions, the effective control of the risks associated with those activities, and the pursuit of optimum performance consistent with those risks."
2. The Chartered Institute of Public Finance and Accountancy's (CIPFA's) 'Code of Practice on Treasury Management 2021' requires that committee to which some treasury management responsibilities are delegated, will receive regular monitoring reports on treasury management activities and risks. This report is the third for the 2024/25 financial year and sets out the position at 31 December 2024.
3. Throughout this report, the performance for the three quarters of the year to December 2024 is measured against the budget agreed by Council in February 2024.
4. As at 31 December 2024, the council's outstanding debt totalled £271m and the average rate of interest paid on long-term debt during the year was 4.41%. The council launched a "green bond" in December 2024 aiming to raise £0.5m. No other external borrowing was raised during the quarter, whilst £3m of maturing Public Works Loan Board (PWLB), and £5m of LOBO¹ loans were repaid. The cumulative amount of PWLB and LOBO loans repaid during 2024/25 is £3m and £10m, respectively. The council's forecast debt financing position for 2024/25 is shown in Annex 1.
5. The [Treasury Management Strategy for 2024/25](#) agreed in February 2024 assumed an average base rate of 4.75%.

¹ LOBO (Lender's Option/Borrower's Option) Loans are long-term loans which include a re-pricing option for the bank at predetermined intervals.

6. The average daily balance of temporary surplus cash invested in-house was expected to be £463m in 2024/25, with an average in-house return on new and existing deposits of 4.25%.
7. During the nine months to 31 December 2024 the council achieved an average in-house return of 4.74% on average cash balances of £455.652m, producing gross interest receivable of £17.404m. In relation to external funds, the return for the nine months was £2.967m, bringing total investment income to £20.372m. This compares to budgeted investment income of £14.156m, giving a net overachievement of £6.256m.
8. At 31 December 2024, the council's investment portfolio totalled £503.390m. This comprised £390.000m of fixed term deposits, £14.924m at short term notice in money market funds and £98.465m in pooled funds with a variable net asset value. Annex 4 provides an analysis of the investment portfolio at 31 December 2024.

Treasury Management Activity

Debt Financing & Maturing Debt

9. The strategy for long term borrowing agreed in February 2024 included the option to fund new or replacement borrowing up to the value of £232m through internal borrowing. The aim was to reduce the council's exposure to credit risk and reduce the long-term cost of carry (difference between borrowing costs and investment returns).
10. The council is able to borrow from the Public Works Loan Board (PWLB) or through the money markets. Higher than target inflation has led to bond yields, and therefore PWLB rates, remaining high. The expectation is that as inflation falls, PWLB rates should reduce over the medium term. Given the forecast for borrowing rates, the strategy for 2024/25 assumes no new external borrowing during the year, with any increase in the capital financing requirement met through internal borrowing. The exception to this being new debt of £0.5m raised the community municipal investment known as the Oxfordshire Green Bond.
11. As at 31 December 2024, the authority had 42 PWLB loans totalling £241.383m, 5 LOBO loans totalling £25m and one £5m money market loan. The average rate of interest paid on PWLB debt was 4.52% and the average cost of LOBO debt in 2024/25 was 3.91%. The cost of debt on the money market loan was 3.95%. The combined weighted average for interest paid on long-term debt was 4.39%. The council's debt portfolio as at 31 December 2024 is shown in Annex 1.
12. The council repaid £3m of maturing PWLB loans and £5m of LOBO loans during the third quarter of the year. The weighted average interest rate payable on the matured loans was 4.02%. The forecast outturn for interest payable in 2024/25 is £12.21m. This is below the budgeted figure of £15.30m as a result of the early repayment of £10m of LOBO loans during the year. The details are set out in Annex 2.

Investment Strategy

13. The council holds deposits and invested funds representing income received in advance of expenditure plus balances and reserves. The guidance on Local Government Investments in England gives priority to security and liquidity and the council's aim is to achieve a yield commensurate with these principles. The council continued to adopt a cautious approach to lending to financial institutions and continuously monitored credit quality information relating to counterparties.
14. During the first three quarters of the financial year term fixed deposits have been placed with other Local Authorities as per the approved lending list, whilst Money Market Funds have been utilised for short-term liquidity. Inter local authority lending remains an attractive market to deposit funds with from a security view point, whilst the Government's Debt Management Deposit Facility (DMADF) has also provided a competitive and secure counterparty from time to time.
15. The Treasury Management Strategy Statement and Annual Investment Strategy for 2024/25 included the use of external fund managers and pooled funds to diversify the investment portfolio through the use of different investment instruments, investment in different markets, and exposure to a range of counterparties. It is expected that these funds should outperform the council's in-house investment performance over a rolling three-year period. The strategy permitted up to 50% of the total portfolio to be invested with external fund managers and pooled funds (excluding Money Market Funds). The performance of the pooled funds will continue to be monitored by the Treasury Management Strategy Team (TMST) throughout the year against respective benchmarks and the in-house portfolio.
16. At the start of the year the UK Bank Rate was 5.25% which was in line with the forecast. Reductions of 25bps in August and November 2024 and February 2025 brought the rate down to 4.50%. The market is forecasting that the base rate will continue to reduce and will be 4.00% by the end of 2025.

The Council's Lending List

17. In-house cash balances are deposited with institutions that meet the council's approved credit rating criteria. The approved lending list, which sets out those institutions, is updated to reflect changes in bank and building society credit ratings. Changes are reported to Cabinet as part of the Business Management & Monitoring Report. The approved lending list may also be further restricted by officers, in response to changing conditions and perceived risk. There were no changes to the lending list during the third quarter of 2024/25.

Investment Performance

18. Temporary surplus cash balances include: developer contributions; council reserves and balances; and various other funds to which the council pays interest at each financial year end. The budgeted annual return on these in-

house balances for 2024/25 was 4.25% and assumed an average annual in-house cash balance of £361.622m.

19. The actual average daily balance of temporary surplus cash invested in-house was £472.306m for the first three quarters of 2024/25 and the average in-house return was 4.74%, producing gross interest receivable of £17.404m. Gross distributions from pooled funds totalling £2.967m were also realised in the three quarters, bringing total investment income to £20.372m. This compares to budgeted investment income of £14.116m, giving a net overachievement of £6.256m. This reflects a combination of higher than forecast average cash balances, and higher than forecast interest rates.
20. Cash balances for the year are forecast to be lower than they otherwise would be as a result of negative Dedicated Schools Grant (DSG) balances relating to High Needs. The negative DSG balance by the end of 2024/25 is forecast to be £84.20m. This would have an estimated opportunity cost of £3.49m in unearned interest during 2024/25.
21. The council operates a number of instant access call accounts and money market funds to deposit short-term cash surpluses. During the first three quarters of 2024/25 the average balance held on instant access was £82.633m, at an average rate of 4.98%.
22. At 31 December 2024 the total value of pooled fund investments was £98.465m. This has decreased from the last reported value of £98.861m at 30 September 2024.
23. At 31 December 2024, the council's investment portfolio totalled 503.390m. This comprised £390.000m of fixed term deposits, £14.924m at short term notice in money market funds and £98.465m in pooled funds with a variable net asset value. Annex 4 provides an analysis of the investment portfolio at 31 December 2024.
24. The council's Treasury Management Strategy Team regularly monitors the risk profile of the council's investment portfolio. An analysis of the credit and maturity position of the portfolio at 31 December 2024 is included at Annex 4.

Prudential Indicators for Treasury Management

25. During the first three quarters of the year, the council operated within the treasury limits and Prudential Indicators set out in the council's Treasury Management Strategy for 2024/25. The position for the Prudential Indicators as at 31 December 2024 is shown in Annex 3.

Financial Implications

26. This report is mostly concerned with finance and the implications are set out in the main body of the report. The impact of additional interest on cash balances

and income from investments is reflected in the forecast position set out in the Business Management & Monitoring Reports to Cabinet.

Comments checked by:

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

Legal Implications

27. The report meets the requirements of both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003. There are no other legal implications.

Comments checked by:

Anita Bradley, Director of Law and Governance,
anita.bradley@oxfordshire.gov.uk

Staff Implications

28. There are no staffing implications arising from the updates set out in this report

Equality & Inclusion Implications

29. There are no equality or inclusion implications arising from the report.

Sustainability Implications

30. This report is not expected to have any negative impact with regards to the Council's zero carbon emissions commitment by 2030.
31. In December 2024, the council launched its first "green bond" to raise £0.5m. The funding generated through the bond will be used to fund the Capital Programme which includes the council's tree planting and decarbonisation projects.

Risk Management

32. The purpose of treasury management is the management of the council's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks". The Prudential Code

OXFORDSHIRE COUNTY COUNCIL DEBT FINANCING 2024/25

<u>Debt Profile</u>		£m
1. PWLB	54%	244.38
2. Other Long Term Loans	9%	<u>40.00</u>
3. Sub-total External Debt		284.38
4. Internal Balances	37%	<u>166.54</u>
5. Actual Debt at 31 March 2024	100%	450.92
6. Prudential Borrowing		73.35
7. Borrowing in Advance		0.00
8. Minimum Revenue Provision		<u>-11.84</u>
9. Forecast Debt at 31 March 2025		464.23
<u>Maturing Debt</u>		
10. PWLB loans maturing during the year		-3.00
11. PWLB/LOBO Loans repaid prematurely		<u>10.00</u>
12. Total Maturing Debt		-22.00
<u>New External Borrowing</u>		
13. PWLB Normal		0.00
14. PWLB loans raised in the course of debt restructuring		0.00
15. Money Market loans		<u>0.50</u>
16. Total New External Borrowing		0.50
<u>Debt Profile Year End</u>		
17. PWLB	48%	241.38
18. Money Market loans (incl £25m LOBOs)	6%	<u>30.50</u>
19. Forecast Sub-total External Debt		271.88
20. Forecast Internal Balances	46%	<u>228.14</u>
21. Forecast Debt at 31 March 2025	100%	500.02

Line Explanation

- 1 – 5 This is a breakdown of the Council's debt at the beginning of the financial year (1 April 2024). The PWLB is a government agency operating within the Debt Management Office. LOBO (Lender's Option/ Borrower's Option) loans are long-term loans, with a maturity of up to 60 years, which includes a re-pricing option for the bank at predetermined time intervals. Internal balances include provisions, reserves, revenue balances, capital receipts unapplied, and excess of creditors over debtors.
- 6 'Prudential Borrowing' is borrowing taken by the authority whereby the associated borrowing costs are met by savings in the revenue budget.
- 7 'Borrowing in Advance' is the amount the Council borrowed in advance to fund future capital finance costs.
- 8 The amount of debt to be repaid from revenue. The sum to be repaid annually is laid down in the Local Government and Housing Act 1989, which stipulates that the repayments must equate to at least 4% of the debt outstanding at 1 April each year.
- 9 The Council's forecast total debt by the end of the financial year, after taking into account new borrowing, debt repayment and movement in funding by internal balances.
- 10 The Council's normal maturing PWLB debt.
- 11 PWLB/LOBO debt repaid early during the year.
- 12 Total debt repayable during the year.
- 13 The normal PWLB borrowing undertaken by the Council during 2024/25.
- 14 New PWLB loans to replace debt repaid early.
- 15 The Money Market borrowing undertaken by the Council during 2024/25
- 16 The total external borrowing undertaken.
- 18-22 The Council's forecast debt profile at the end of the year.

Long-Term Debt Maturing 2024/25**Public Works Loan Board: Loans maturing during 2024/25**

Date	Amount £m	Rate %
22/11/2024	3.000	4.250%
Total	3.000	

LOBO Loans called & repaid during 2024/25

Date	Amount £m	Rate %
31/07/2024	5.000	3.950%
02/10/2024	5.000	4.010%
Total	1000	

Prudential Indicators Monitoring at 31 December 2024

The Local Government Act 2003 requires the Authority to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the Prudential Code) when determining how much money it can afford to borrow. To demonstrate that the Authority has fulfilled the requirements of the Prudential Code the following indicators must be set and monitored each year.

Authorised and Operational Limit for External Debt

Actual debt levels are monitored against the Operational Boundary and Authorised Limit for External Debt below. The Operational Boundary is based on the Authority's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. The council confirms that the Operational Boundary has not been breached during the third quarter of 2024/25.

The Authorised Limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum debt that the Authority can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements. The Authorised Limit was not breached in the in the third quarter of 2024/25 and is not expected to be breached by year end.

Authorised limit for External Debt	£555,000,000
Operational Limit for External Debt	£570,000,000
Capital Financing Requirement for year	£508,413,000

	Actual 31/03/2024	Forecast 31/12/2024
Borrowing	£284,382,618	£271,382,618
Other Long-Term Liabilities	£ 836,000	£ 836,000
Total	£285,218,618	£272,218,618

Interest Rate Exposures

These indicators are set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest exposures. Fixed rate investments are borrowings are those where the rate of interest is fixed for the whole financial year. Instruments that mature during the financial year are classed as variable rate.

Fixed Interest Rate Exposure

Fixed Interest Net Borrowing limit	£350,000,000
Actual at 31 December 2024	-£143,617,382

Variable Interest Rate Exposure

Variable Interest Net Borrowing limit	£0
Actual at 31 December 2024	-£87,553,762

Principal Sums Invested over 365 days

Total sums invested for more than 364 days limit	£215,000,000
Actual sums invested for more than 364 days	£ 30,000,000

Maturity Structure of Borrowing

This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing and the actual structure at December 2024, are shown below. Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

	Limit %	Actual %
Under 12 months	0 - 20	4.42
12 – 24 months	0 - 25	11.79
24 months – 5 years	0 - 35	11.79
5 years to 10 years	5 - 40	31.83
10 years +	25 - 95	40.16

OXFORDSHIRE COUNTY COUNCIL INVESTMENT PORTFOLIO 31/12/2024

Fixed term deposits held at 31/12/2024

Counterparty	Principal Deposited	Maturity Date
Falkirk Council	£5,000,000.00	03/01/2025
Aberdeen City Council	£5,000,000.00	03/01/2025
Conwy County Borough Council	£5,000,000.00	03/01/2025
Police and Crime Commissioner for Lancashire	£5,000,000.00	06/01/2025
Surrey County Council	£5,000,000.00	07/01/2025
South Ayrshire Council	£3,000,000.00	08/01/2025
Surrey County Council	£5,000,000.00	23/01/2025
Merthyr Tydfil County Borough Council	£5,000,000.00	24/01/2025
Police and Crime Commissioner for Merseyside	£5,000,000.00	24/01/2025
Surrey County Council	£5,000,000.00	27/01/2025
East Dunbartonshire Council	£5,000,000.00	29/01/2025
Falkirk Council	£5,000,000.00	31/01/2025
London Borough of Waltham Forest Council	£5,000,000.00	31/01/2025
West Dunbartonshire Council	£5,000,000.00	06/02/2025
Fife Council	£5,000,000.00	14/02/2025
Bolton Metropolitan Borough Council	£5,000,000.00	14/02/2025
Monmouthshire County Council	£5,000,000.00	17/02/2025
Somerset Council	£5,000,000.00	17/02/2025
Fife Council	£5,000,000.00	18/02/2025
Cambridgeshire County Council	£5,000,000.00	24/03/2025
East Dunbartonshire Council	£5,000,000.00	24/03/2025
High Peak Borough Council	£3,000,000.00	09/04/2025
London Borough of Newham Council	£5,000,000.00	11/04/2025
Police and Crime Commissioner for Lancashire	£5,000,000.00	14/04/2025
South Ayrshire Council	£5,000,000.00	17/04/2025
Plymouth City Council	£5,000,000.00	22/04/2025
Rushmoor Borough Council	£5,000,000.00	25/04/2025
Rushmoor Borough Council	£5,000,000.00	29/04/2025
West Dunbartonshire Council	£5,000,000.00	30/04/2025
Rushmoor Borough Council	£5,000,000.00	06/05/2025
North Lanarkshire Council	£5,000,000.00	12/05/2025
Plymouth City Council	£5,000,000.00	13/05/2025
London Borough of Waltham Forest Council	£5,000,000.00	23/05/2025
London Borough of Waltham Forest Council	£5,000,000.00	23/05/2025
Darlington Borough Council	£5,000,000.00	29/05/2025
Blackpool Council	£5,000,000.00	30/05/2025
London Borough of Waltham Forest Council	£5,000,000.00	30/05/2025
Police and Crime Commissioner for Lancashire	£5,000,000.00	02/06/2025
Isle of Wight Council	£5,000,000.00	09/06/2025

Counterparty	Principal Deposited	Maturity Date
Monmouthshire County Council	£5,000,000.00	10/06/2025
Cornwall Council	£5,000,000.00	30/06/2025
Blackpool Council	£5,000,000.00	30/06/2025
Oldham Council	£5,000,000.00	29/07/2025
Plymouth City Council	£5,000,000.00	07/08/2025
West Dunbartonshire Council	£5,000,000.00	12/08/2025
North Lanarkshire Council	£5,000,000.00	12/08/2025
Gloucester City Council	£7,000,000.00	13/08/2025
Kirklees Council	£5,000,000.00	15/08/2025
Cambridgeshire County Council	£5,000,000.00	20/08/2025
South Tyneside Council	£5,000,000.00	20/08/2025
London Borough of Haringey Council	£5,000,000.00	22/08/2025
Derbyshire County Council	£5,000,000.00	26/08/2025
The Highland Council	£5,000,000.00	26/08/2025
The Highland Council	£7,000,000.00	27/08/2025
London Borough of Haringey Council	£5,000,000.00	29/08/2025
The Highland Council	£5,000,000.00	01/09/2025
Babergh District Council	£5,000,000.00	02/09/2025
Wrexham County Borough Council	£5,000,000.00	04/09/2025
Ashford Borough Council	£5,000,000.00	08/09/2025
Police and Crime Commissioner for Lancashire	£5,000,000.00	29/09/2025
Surrey Heath Borough Council	£5,000,000.00	01/10/2025
West Dunbartonshire Council	£5,000,000.00	14/10/2025
Aberdeen City Council	£5,000,000.00	28/10/2025
Fife Council	£5,000,000.00	30/10/2025
Wakefield Council	£5,000,000.00	30/10/2025
Kingston Upon Hull City Council	£5,000,000.00	04/11/2025
Aberdeen City Council	£5,000,000.00	06/11/2025
North East Lincolnshire Council	£5,000,000.00	21/11/2025
Worthing Borough Council	£5,000,000.00	21/11/2025
Bradford Metropolitan District Council	£5,000,000.00	21/11/2025
Moray Council	£5,000,000.00	24/11/2025
Fife Council	£5,000,000.00	02/12/2025
Short Term Deposit Total	£360,000,000.00	

Counterparty	Principal Deposited	Maturity Date
Great Yarmouth Borough Council	£5,000,000.00	22/04/2026
Derbyshire County Council	£5,000,000.00	25/08/2026
Kirklees Council	£5,000,000.00	22/01/2027
Kirklees Council	£5,000,000.00	17/03/2027
Worcestershire County Council	£5,000,000.00	17/12/2027
Worcestershire County Council	£5,000,000.00	23/12/2027
Long Term Deposit Total	£30,000,000.00	
Total Deposits	£390,000,000.00	

Money Market Funds

Counterparty	Balance at 31/12/2024(£)	Notice period
Aberdeen Liquidity Fund	7,580.87	Same day
Goldman Sachs Sterling Liquid Fund	0.00	Same day
Deutsche Sterling Liquid Fund	0.00	Same day
Federated Sterling Liquidity Funds	10,000.00	Same day
Legal & General Sterling Liquidity Fund	14,900,000.00	Same day
CCLA Public Sector Deposit Fund	5,000.00	Same day
Morgan Stanley Sterling Liquid Fund	0.00	Same day
JP Morgan Sterling Liquidity Fund	0.00	Same day
Total	14,922,580.87	

Notice / Call Accounts

Counterparty	Balance at 31/12/2024 (£)	Notice period
Santander Call Account	0.00	Same day
Barclays Current	0.00	Same day
Handlesbanken	2,389.13	Same day
Total	2,389.13	

Strategic Bond Funds

Fund	Balance at 31/12/2024 (£)	Notice period
Threadneedle strategic bond fund (income)	12,467,830.24	4 days
Threadneedle Global Equity Income Fund	16,893,691.73	4 days
Kames Diversified Income	9,445,478.23	4 days
Ninety One Diversified Income	8,903,891.28	4 days

M&G Strategic Corporate Bond Fund	11,127,111.25	4 days
Schroder Income Maximiser	11,431,596.17	4 days
CCLA Better World Cautious Fund	4,779,672.78	4 days
Total	75,329,478.15	

Property Funds

Fund

Balance at 31/12/2024 (£)

Notice period

CCLA Local Authorities Property Fund	23,135,314.07	Monthly
Total	23,135,314.07	

Summary of Investments as at 31/12/2024

Term Deposits	£390,000,000.00
Money Market Funds	£14,922,580.87
Notice & Call Accounts	£2,389.13
Pooled Funds	£75,329,478.15
Property Funds	£23,135,314.07
Total Investments	£503,389,762.22

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AUDIT AND GOVERNANCE COMMITTEE – 12 MARCH 2025

CHANGES TO CONSTITUTION OF PENSION FUND COMMITTEE

**Report by the Executive Director of Resources & Section 151
Officer**

RECOMMENDATION

1. **The AUDIT AND GOVERNANCE COMMITTEE is RECOMMENDED to**

Approve the changes to the mandatory training requirement of the Pension Fund Committee Members as set out below.

Executive Summary

2. A discussion regarding mandatory training requirements took place at the Pension Fund Committee meeting of the 6th September 2024. There was a consensus that the mandatory training requirements for Committee Members should be undertaken in the first year and preferably before the 31st December in the year of becoming a member.
3. Additionally, there was a consensus that only named substitutes of the Committee are allowed where they have completed an induction on the Oxfordshire Pension Funds Policies.
4. The formal recommendation was tabled and approved at the Pension Fund Committee meeting dated 13th December 2024.

Proposed Mandatory Training Requirements Pension Fund Committee Members

5. The proposal is as follows:

- All Pension Fund Committee Members are required to
 - a) attend:
 - In their 1st year and normally no later than the 31st December:
 - i. An induction on the Oxfordshire Pension Funds Policies prior to attendance of a Committee meeting, and either
 - ii. The 3-day LGA Fundamentals Course, or
 - iii. The 5 Core and 4 DB on-line modules of the Pension Regulators Trustee Toolkit
 - In each subsequent year
 - i. All pre-Committee training
 - ii. A minimum of 2 days' additional training
 - b) complete the annual Knowledge Assessment exercise run by Hymans Robertson; and

- c) maintain a score on the Knowledge and Assessment exercise consistent with their responsibilities as a serving member of the Pension Fund Committee or Pension Board as appropriate.
- Only named substitutes of the Committee are allowed where they have completed an induction on the Oxfordshire Pension Funds Policies.

Risk Management

6. There are statutory training requirements for Pension Fund Committee members, to ensure that they have the necessary knowledge and skills to make effective decisions. This change to the mandatory training requirements will support this.
7. Having clear and unambiguous training requirements for substitute members of the committee will support effective decision making and also mitigate any potential risk of not being quorate for a particular meeting.

Lorna Baxter
Executive Director of Resources & Section 151 Officer

Annex: Nil.

Background papers: Nil.

[Other Documents:] Nil.

Contact Officer: Mukhtar Master, Governance & Communications
Manager, Tel: 07732 826419, Email:
Mukhtar.Master@Oxfordshire.gov.uk.

March 2025

AUDIT AND GOVERNANCE COMMITTEE – 12 March 2025

Report of the Constitution Working Group

Report by Director of Law and Governance and Monitoring Officer

RECOMMENDATION

1. The Audit and Governance Committee is RECOMMENDED to recommend to Council

- (a) to approve amendments listed in Annex 1 to the following Parts of the Council's Constitution:
 - (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 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.

- (c) to delegate to the Director of Law & Governance and Monitoring Officer the ability to update Part 10.1 Members' Allowances annually in line with any requirement under the Scheme of Allowances to apply indexation to Members' Allowances.

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 contained in this report arise from its work.
3. The detailed amendments and the reasons for them are set out in Annex 1 and its appendices. 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 100 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 formalise the rotation of the Deputy Chair position among the city and district council representatives and 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) 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.

The work of the Group

- 4. The previous overall review of the Constitution by a working group reported its recommendations to Council on 7 October 2022.
- 5. A draft plan was agreed at the first meeting of this CWG to reflect councillors' priorities. This formed the work programme for the Group. The plan outlined which Parts were given highest priority (in red) and second priority (in amber) and is attached as Annex 2.
- 6. 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.
- 7. The amendments agreed by the Working Group 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 given in appendices.

Financial Implications

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

Comments checked by: Drew Hodgson, Strategic Finance Business Partner,
Drew.Hodgson@oxfordshire.gov.uk

Legal Implications

9. 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.
10. 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 & Governance and Monitoring Officer,
anita.bradley@oxfordshire.gov.uk

Staff Implications

11. 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

12. 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

13. 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.

Annex 2 – the work programme.

Contact Officer: Colm Ó Caomhánaigh, Democratic Services Manager,
colm.oacaomhanaigh@oxfordshire.gov.uk

March 2025

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 100 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>		
Move the final paragraph of 10.2 to become 10.3.2 and amend it for clarity	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	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>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
8 Chair and Deputy Chair	<p>The Chair of the Joint Committee shall be drawn from the County Council members of it and will normally be elected on an annual basis following the annual meeting of Oxfordshire County Council.</p> <p>The Deputy Chair of the Joint Committee shall be drawn from the District/City Councillor members on the Committee and elected on an annual basis immediately following the election of the Chair.</p> <p>If the Chair and Deputy are both absent from a meeting of the Committee then the Councillor members of that body will elect some other councillor to preside at that meeting from amongst their number who are entitled to vote.</p>	<p>The Chair of the Joint Committee shall be drawn from the County Council members of it and will normally be elected on an annual basis following the annual meeting of Oxfordshire County Council.</p> <p>The Deputy Chair of the Joint Committee shall be drawn from the District/City Councillor members on the Committee and elected on an annual basis immediately following the election of the Chair. The position of Deputy Chair will be offered to each District/City Council representative on a rolling basis in the following order: Oxford City Council, Vale of the White Horse District Council, West Oxfordshire District Council, South</p>	<p>It is custom and practice at the HOSC for the Deputy Chair position to be offered to a different district/city council on a rolling basis. This is not stated in the Constitution.</p> <p>It is recommended this is formalised within the Constitution.</p>

	<p>Working Groups will appoint one of their members as Chair for the life of the Panel.</p>	<p>Oxfordshire District Council, Cherwell District Council. Should a member be offered the position of Deputy Chair and decline, the representative of the next Council on the list will be offered the position.</p> <p>If the Chair and Deputy are both absent from a meeting of the Committee then the Councillor members of that body will elect some other councillor to preside at that meeting from amongst their number who are entitled to vote.</p> <p>Working Groups will appoint one of their members as Chair for the life of the Panel.</p>	
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.

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	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

		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 original proposer to provide a reason.	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.
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>	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.
11 (b)	Any member of the Council shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Annex 1 to the Protocol on Members' Rights and	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 4 to the Protocol on Members' Rights	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

	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 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.	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 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.	Annex 1. Part 6.2 (11) b still refers to it by its old name. It is recommended that this is updated to correspond with the new name.
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	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.

		will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.	
19 and 20	See Appendix 9	See Appendix 10	<p>To provide clarity on the valid reasons for call-in, the call-in 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>

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 individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group in each case;	to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group consulting with the Scrutiny Chairs and Deputy Chairs in each case;	The Scheme of Delegation makes reference to a body which does not exist, the 'Scrutiny Coordination Group'. It is recommended this is reworded to align with existing structures.

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.

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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.

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

			<ul style="list-style-type: none"> 8 Access to Information clarifying and setting out expectations
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Part 10.1 Member Allowances

Section	Current text	Proposed text	Reason
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	<p>A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:</p> <p>(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;</p>	<p>A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:</p> <p>(a) shall be made in writing or electronically within two months from the date of performance of the duty in</p>	Claims are now made primarily via an internet system.

		respect of which the claim is made;	
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 entitlement to an allowance under this Scheme	A councillor may at any time and for any period, by notice in writing or electronically to the Chief Executive Officer, elect to forego any part of his/her entitlement to an allowance under this Scheme	To make it clear that e-mail communication is also acceptable.

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 98**, 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.**
- (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

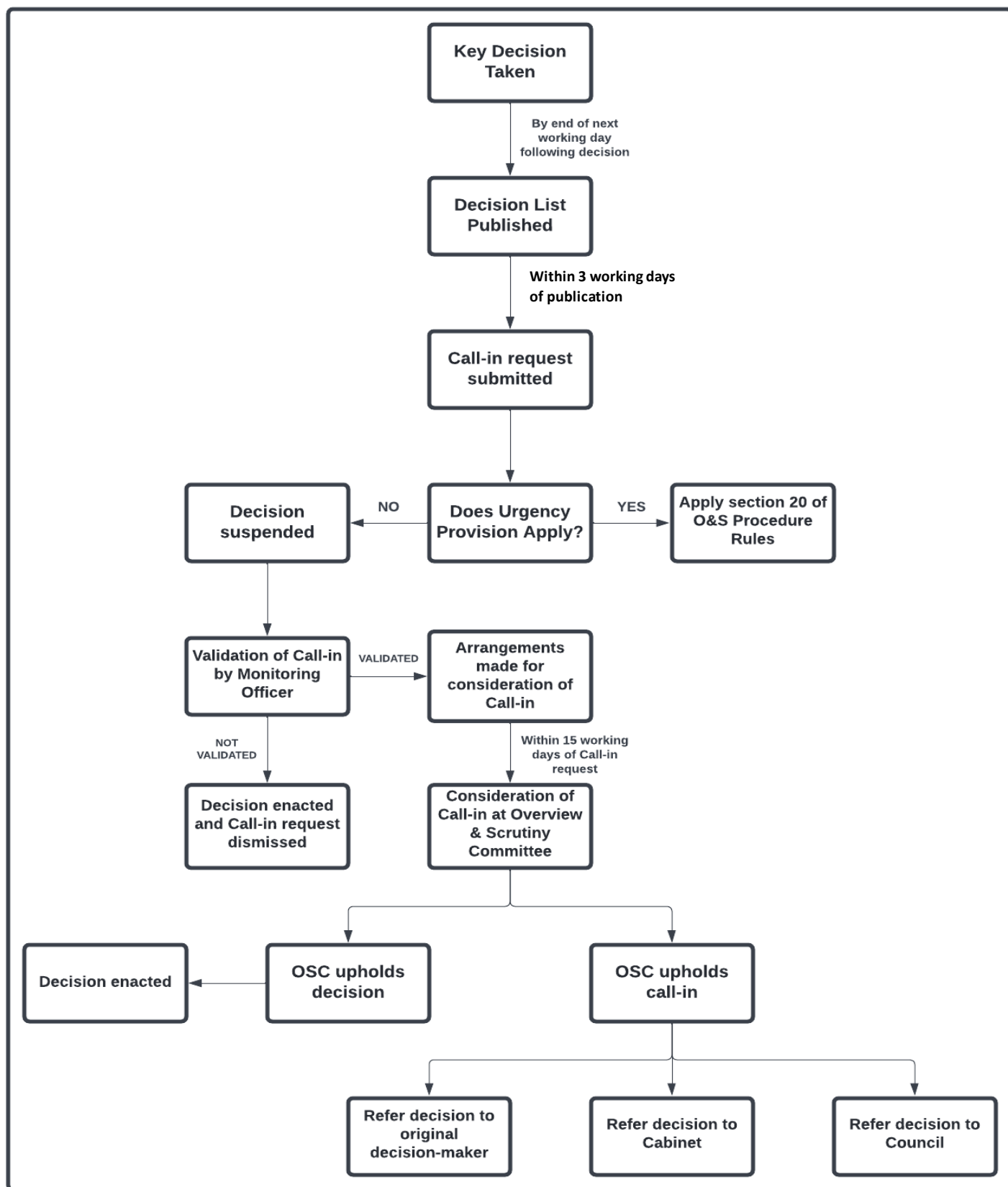
- (z) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:
- i. the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is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

CHAPTER TWO: PRE-PROCUREMENT

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CHAPTER THREE: THE PROCUREMENT PROCESS

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7. Invitations to Tender/Request for Quotations
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CHAPTER FOUR: CONTRACT AWARD

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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 any 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) furthers 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 Rules⁴. 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

⁴ ~~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 ~~eContract~~ **eContract** 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 to 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, 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. ~~40.~~ 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 sSenior eOfficers, except those specially exempted, and some other Officers, are politically restricted. This means they** cannot be local authority eCouncillors 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 eOfficers 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 eOfficers as they and the Head of Paid Service consider desirable. No eOfficer shall be required to attend political group meetings.
- (iii) Where eOfficers attend political group meetings, ~~m~~**M**embers present should be particularly mindful of the political neutrality of eOfficers.
- (iv) Proceedings at group meetings are confidential and eOfficers 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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Constitution review 2024/2025 – work plan

Red – most urgent

Amber– Also to be considered

Green – Updates that can be made by the Monitoring Officer

		Time-frame	Rationale for review	Suggested changes	Comments including alternative options and comparison with other comparable local authorities	Lead officer/ Status
Page 257	Part 1 - Introduction	1.1 The Constitution			To be checked at the end of the review for any changes arising from changes to other parts of the Constitution.	Colm Ó Caomhánaigh
		1.2 How OCC operates	Need to properly name documents within the budget and policy framework, as the current naming is inconsistent and unclear			Agreed 9/1/25
		1.3 Decision making	Review Key Decision Thresholds		To be checked at the end of the review for any changes arising from changes to other parts of the Constitution.	Agreed 6/2/25
	Part 2 - Oxfordshire Fire and Rescue Service	Oxfordshire Fire and Rescue Service	Need for more information and clarity on decision-making processes within the Fire and Rescue service section		Is more information needed – how it links to other parts of the Constitution. Where are decisions made?	Not reached

Last update 22/10/2024

Part 3 - Council	3.1 Council Meeting Procedure Rules	Urgent 11/24	<p>Members are concerned that we are not getting through enough motions.</p> <p>There has been debate around rules for amendments.</p> <p>A motion for removal of Leader was proposed and there are no specific rules.</p> <p>Number required for petitions is exceptionally low and requirement of Chief Officer to respond is odd.</p> <p>The number of Members to call an Extraordinary Council is too low.</p>		<p>Need to review rules, timings and deadlines around requests to speak, petitions, questions from members of the public. Specific procedure to be included relating to a formal process for removal of the Leader.</p>	<p>Agreed 9/1/25 – rules on motions and amendments do not need to change. Officers should be stronger in applying them.</p> <p>Agreed 25/1/25</p> <p>Agreed 9/1/25</p> <p>Agreed 6/2/25</p>
	3.1A Virtual Meeting Procedure Rules	Urgent 11/24	No longer required as separate section.	Section to be deleted and integrated into 3.1 Council Meeting Procedure Rules.	To be deleted after inclusion of relevant parts in the main Council Meeting Procedure Rules.	Agreed 14/11/24
	3.2 Budget and Policy Framework Procedure Rules				To be checked at the end of the review for any changes arising from changes to	

					other parts of the Constitution.	
	3.3 Virement Rules	12/24				Agreed 20/2/25
	3.4 'Local Choice' Functions	12/24				
	3.5 Agency, Partnership and Joint Arrangements	12/24				
Part 4 - Cabinet	4.1 Membership of Cabinet and Shadow Cabinet	11/24	Remove the need to republish the Constitution when changes are made to membership.	Remove names under membership of the Cabinet and Shadow Cabinet.	Being addressed through MO changes.	MO amendment
	4.2 Cabinet Procedure Rules	11/24	Bring deadlines for member questions in line with 3.1 Council Meeting Procedure Rules		Inconsistent deadlines cause confusion. Need to consult with Leader	Agreed 20/2/25
	4.3 Cabinet Committees		Incorrect reference	1. (f) the procedure for inclusion of items in the agenda for its meetings set out in paragraph 86(d) of the Protocol on Members' Rights as if it was a Council Committee.		Agreed 20/2/25
	4.4 Delegated Decisions by Individual Cabinet Members	12/24	Very little public interest in Cabinet Member Decisions other than Transport Management		Should we provide option for Cabinet Member decision not in-person? Compare with other County Councils.	Agreed 20/2/25
	4.5 Cabinet Advisory Groups				No changes likely to be required.	

	4.6 Transport Advisory Panel	12/24	Delete?		Does this meet? In any event, should it be listed separately? Seek view from Director.	Agreed 9/1/25
Page 260	Part 5 – Committees and sub-committees	11/24	Remove the need to republish the Constitution when changes are made to membership. Provide procedure to cancel / change meeting dates.	Remove names under membership of committees and sub-committees.	Being addressed through MO changes.	MO amendment Agreed 6/2/25
	5.1B Health and Wellbeing Board	Urgent 11/24	Update terms of reference to reflect those previously adopted by HWB.	New terms reference for HWB	HWB on 6/10/24 adopted new terms of reference and agreed updated membership but these were never adopted by Council.	Agreed 28/11/24
	5.1C Remuneration Committee	11/24	Remove the need to republish the Constitution when changes are made to membership.	Remove names under membership of the Remuneration Committee.	Being addressed through MO changes.	MO amendment
	5.1D Membership of other committees	11/24	Remove the need to republish the Constitution when changes are made to membership.	Remove names under membership of panels and committees.	Being addressed through MO changes.	MO amendment
Part 6 – Overview and Scrutiny Committees	6.1A Overview and Scrutiny Committees	12/24	Future of People OSC Remove the need to republish the Constitution	Remove names under membership of Scrutiny Committees.	Being addressed through MO changes.	Agreed 20/2/25

Part 7 – Scheme of			when changes are made to membership.			
	6.1B Joint Health Overview and Scrutiny Committee	12/24	<p>Clarification of Deputy Chair rotation</p> <p>Remove the need to republish the Constitution when changes are made to membership.</p> <p>Refers to CCGs – no longer exist</p> <p>Update to reflect changes made by the Health and Care Act 2022, particularly in relation to CCGs and the powers of referral by HOSCs.</p>	Remove names under membership of the Oxfordshire Joint HOSC and Horton HOSC.	Being addressed through MO changes.	Agreed 20/2/25
	6.2 Overview and Scrutiny Procedure Rules	12/24	Multiple issues to improve the efficiency and effectiveness of Scrutiny.			Agreed 23/1/25
	6.3 Protocol on Scrutiny Participation	12/24	Suggest removal on the grounds that it is a protocol not used in practice and which would be unhelpful if the Council tried to.			Agreed 23/1/25
Part 7 – Scheme of	7.1 Officers	11/24			MO updated to reflect senior management restructuring.	MO amendment

delegation to officers	7.2 Scheme of delegation to officers	Urgent 11/24	Needs to be updated to reflect the new management structure			Agreed 28/11/24
Part 8 – Other procedure rules	8.1 Access to Information Procedure Rules	12/24	Legislation on Forward Plans has changed.		MO changes relating to bringing publication of key decisions in line with legislation	MO amendment
	8.2 Financial Procedure Rules	Urgent 12/24			Financial Regulations need to be appended to Financial Procedure Rules.	Agreed by Council 10/12/24
	8.3 Contract Procedure Rules	12/24	To be changed to reflect the Procurement Act.	changes related to community and voluntary sector funding	Need to include provisions around funds given to voluntary and community organisations.	Agreed 20/2/25
	8.5 Members' Champion Role Guidance Notes					
	Annex 1 – Procedure to be complied with in respect of dismissal of senior officers					
	Annex 2 – Protocol for employees working part-time and/or temporarily for, or providing consultancy to, other bodies or councils					
	Annex 3 – Protocol for employees working part-time and/or temporarily					

	for, or providing consultancy to, other bodies or councils					
	8.4 Officer Employment Procedure Rules	12/24	Ensure all necessary updates are included			
Page 263 Part 9 – Codes and protocols	9.1 Members’ Code of Conduct (including appendices) Appendix A – The Seven Principles of Public Life Appendix B – Disclosable pecuniary interests Appendix C – Disclosure of other registrable interests					
	9.2 Protocol on Members’ Rights and Responsibilities					Agreed 20/2/25
	9.3 Councillor Call for Action (CCfA) – guidance for members				Check for any duplication in part 6.	
	9.4 Policy on IT use by members of the County Council		Does this need to be in the Constitution? Suggest removal.		Looked at by IT.	Agreed 6/2/25
	9.5 Members’ Planning Code of Practice					
	9.6 Protocol on Member/Officer Relations		Hasn’t been reviewed for some time			Agreed 20/2/25

	9.7 Officers' Code of Conduct					
	9.8 Protocol on Consultation with Employees		Outdated and needs review		Does this need to be in the Constitution? Suggest removal.	
Part 10 – Members' Allowances	10.1 Members' Allowances	12/24	Annual update to allowances payable and correction of paragraph references and clarification of 'in writing'		The current expenses form does not allow Members to specify that they are not claiming the expense from any other source. It was agreed to request a change to the form rather than amend the Constitution.	Agreed 12/12/24

AUDIT & GOVERNANCE COMMITTEE 12 MARCH 2025

STATEMENT OF ACCOUNTS 2024/25

Report by Executive Director of Resources and Section 151 Officer

RECOMMENDATION

1. The Audit and Governance Committee is **RECOMMENDED** to
 - (a) Endorse the proposed timetable to produce the draft Statement of Accounts for 2024/25
 - (b) Consider and approve the change in the De Minimis Level for capitalisation.
 - (c) Ratify the accounting policies including new changes for 2024/25 as approved by the Executive Director of Resources and Section 151 Officer and included as an annex to this report.

Executive Summary

2. This report sets out the approach taken to the preparation of the 2024/25 Statement of Accounts including:
 - The proposed timetable for the publication and public inspection of the 2024/25 Statement of Accounts
 - Changes to de minimis levels for capitalisation.
 - Changes to the Chartered Institute of Public Finance and Accountancy (CIPFA) 2024/25 Code of Practice on Local Authority Accounting in the United Kingdom (the Code) for 2024/25
 - The approved Significant Accounting Policies which describe how the Council has interpreted and applied the Code and form the basis of preparation of the accounts.

Timetable for 2024/25 Statement of Accounts

3. On 30 July 2024 the Minister of State responsible for Local Government and English Devolution made [a statement to parliament](#) setting out the Government's policy proposal for addressing the local government audit backlog.
4. Following this statement a cross-system letter set out that secondary legislation would be put in place to amend the Accounts and Audit Regulations (2015) to set a series of backstop dates up to and including financial year 2027/28 to allow full assurance to be rebuilt over several audit cycles.

5. For financial years 2024/25 to 2027/28, the date by which Category 1 bodies should publish 'draft' (unaudited) accounts is 30 June following the financial year to which they relate. The audit backstop date for 2024/25 is 27 February 2026.
6. The Section 151 Officer must ensure there is sufficient information available to guarantee that the Statement of Accounts are true, fair, and free from material misstatement. The intention is to produce the draft Statement of Accounts for 2024/25 by mid-June 2025. The public inspection period will begin in mid-June 2025 following the publication of the accounts and run for six weeks.

Changes to De Minimis Level for Capitalisation

7. For several years, Oxfordshire County Council has set de minimis levels for small items of capital expenditure, establishing a minimum value for which an asset will be recorded. Expenditure below these levels, is treated as revenue expenditure. The current de minimis levels are:
 - Land and buildings: £20,000
 - Vehicles and equipment: £15,000
 - Computer Software: £20,000
8. To reflect the impact of inflation it is proposed that the de minimis levels should be increased to:
 - Land and buildings: £30,000
 - Vehicles and equipment: £20,000
 - Computer software: £30,000

Changes to the Code for 2024/25

9. From 1 April 2024, the council is required to implement International Financial Reporting Standard (IFRS) 16 for Leases. The standard mandates that lessees recognise leases on their balance sheet, reflecting a right-of-use asset and a corresponding lease liability. Additionally, the definition of fair value measurement for leased investment properties has been amended following the implementation of IFRS 16 Leases.

Significant Accounting Policies 2024/25

10. The Council's Statement of Accounts is prepared in accordance with the Code for the relevant financial year. The Council is required to adopt accounting policies that are set out in the Code which describe how the Council has interpreted and applied the Code.
11. The Code defines Accounting Policies as 'the specific principles, bases, conventions, rules and practices applied by an authority in preparing and presenting financial statements.'

12. The significant accounting policies adopted by the Council are disclosed within three notes to the Core Financial Statements in the Statement of Accounts set out below and listed in full in Annex 1:
- Summary of Significant Accounting Policies
 - Critical judgements in applying accounting policies
 - Assumptions made about the future and other major sources of estimation uncertainty.
13. The Code prescribes that ‘authorities shall apply the objective, underlying assumption and qualitative characteristics of useful financial information, in the selection and application of accounting policies and estimation techniques.’
14. The Code provides a detailed framework within which accounting policies must be set:
- When the Code specifically applies to a transaction, other event or condition, the accounting policy or policies applied to that item shall be determined by applying the Code. Those policies need not be applied when the effect of applying them is immaterial.
 - Where the Code does not specifically apply to a transaction, other event or condition, management shall use its judgement in developing and applying an accounting policy that results in information that is:
 - a) relevant to the decision-making needs of users, and
 - b) reliable, in that the financial statements:
 - (1) represent faithfully the financial position, financial performance and cash flows of the authority
 - (2) reflect the economic substance of transactions, other events and conditions and not merely the legal form
 - (3) are neutral, i.e. free from bias
 - (4) are prudent, and
 - (5) are complete in all material respects.
 - In making the judgement management shall refer to, and consider the applicability of, the Code requirements dealing with similar and related issues. Management may also consider the most recent pronouncements of standard-setting bodies and accepted public or private sector practices to the extent, but only to the extent, that these do not conflict with the requirements of the Code.
 - An authority shall select and apply its accounting policies consistently for similar transactions, other events and conditions, unless the Code specifically requires or permits different treatment.
 - An authority shall change an accounting policy only if the change is required by the Code or results in the financial statements providing reliable and more relevant information about the effects of transactions, other events and

conditions on the authority's financial position, financial performance or cash flows.

- Where an authority changes an accounting policy, it shall apply the changes retrospectively unless the Code specifies transitional provisions that shall be followed. A change in accounting policy shall be applied retrospectively by adjusting the opening balance of each affected component of net worth for the earliest period presented and the other comparative amounts disclosed for each prior period presented as if the new accounting policy had always been applied, except to the extent that it is impracticable to so do.

Approval of Accounting Policies

15. The code states that the Chief Finance Officer is responsible for selecting suitable accounting policies and ensuring that they are applied consistently in the preparation of the statement of accounts. The Executive Director of Resources and Section 151 Officer has approved the Summary of Significant Accounting Policies for 2024/25 as set out in Annex 1. All significant accounting policies have been selected with reference to the Code.
16. Following the implementation of IFRS 16 there is a change to the leases section of the accounting policies. From 2024/25 almost all leases are required to be recognised on the balance sheet. This includes a right-of-use asset and a corresponding lease liability, eliminating the previous distinction between operating and finance leases.
17. The Council's auditors will review the adopted accounting policies as part of the audit of the statement of accounts. There is also an expectation that the auditors will be able to evidence that the accounting policies have been approved by the Audit and Governance Committee in its capacity as 'Those Charged with Governance'. The Audit and Governance Committee is therefore asked to ratify the accounting policies as set out in Annex 1.

Financial Implications

18. There are no financial implications arising directly from the report.

Comments checked by:

Kathy Wilcox, Head of Corporate Finance and Deputy Section 151 Officer

Kathy.Wilcox@oxfordshire.gov.uk

Legal Implications

19. There are no legal implications arising directly from the measures set out. However, the Council will need to ensure that arrangements are put in place to comply with any amendments to the Local Audit and Accountability Act 2014, Accounts and Audit Regulations 2015 and statutory guidance, including the Code of Practice on Local Authority Accounting in England and Wales.

Comments checked by:

Anita Bradley, Director of Law & Governance and Monitoring Officer

Anita.Bradley@oxfordshire.[gov.uk](mailto:Anita.Bradley@oxfordshire.gov.uk)

Risk Management

20. The proposed changes to the council's accounting policies are in line with the Code of Practice on Local Authority Accounting in the United Kingdom 2024/25. This Code is developed by CIPFA/LASAAC and specifies the principles and practices required to prepare financial statements that give a true and fair view of a local authority's financial position.
21. By adhering to this Code, the council ensures that its accounting policies are consistent with established standards and best practices. This alignment reduces the risk of non-compliance, financial misstatements, and audit issues. Additionally, the Code includes provisions for managing and reporting financial risks, which further mitigates potential risks to the council.

LORNA BAXTER

Executive Director of Resources and Section 151 Officer

Annex: Annex 1 Accounting Policies

Background papers: Nil

Contact Officer: Ella Stevens, Deputy Chief Accountant
ella.stevens@oxfordshire.gov.uk

March 2025

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Accounting Policies



1. Summary of Significant Accounting Policies General

The Statement of Accounts summarises the County Council's transactions for the 2024/25 financial year and its position at the year-end 31 March 2025. It has been compiled in accordance with *The Code of Practice on Local Authority Accounting in the United Kingdom 2024/25* (the *Code*), published by the Chartered Institute of Public Finance and Accountancy (CIPFA).

Going Concern

The accounts are prepared on a going concern basis; that is, on the assumption that the functions of the County Council will continue in operational existence for the foreseeable future from the date that the accounts are authorised for issue.

Accruals of Income and Expenditure

Activity is accounted for in the year that it takes place, not simply when the cash payments are made or received.

Where income and expenditure has been recognised, but the cash has not been received or paid, a debtor or creditor for the relevant amount is recognised in the Balance Sheet. Where it is doubtful that debts will be settled, the balance of debtors is reduced, and a charge is made to revenue for the income that might not be recoverable.

Government Grants and Contributions

Government grants and third-party contributions are accounted for on an accrual basis and are recognised in the Statement of Accounts when there is reasonable assurance that the County Council will comply with the conditions attached to their payment and that the grants or contributions will be received.

Grants and contributions relating to capital and revenue expenditure are recognised immediately in the Comprehensive Income and Expenditure Statement as income, except to the extent that the grant or contribution has a condition that the County Council has not satisfied. Conditions are stipulations that require the grant or contribution to be returned to the provider if the terms of the grant or contribution are not met.

Monies advanced as grants or contributions for which conditions have not been satisfied are carried in the Balance Sheet as creditors (capital monies within Capital Grants Receipts in Advance). When conditions are satisfied, the grant or contribution is credited to the relevant directorate line (attributable revenue grants and contributions) or Taxation and Non-Specific Grant Income line (un-ringfenced revenue grants and all capital grants and contributions) in the Comprehensive Income and Expenditure Statement.

Capital grants and contributions credited to the Comprehensive Income and Expenditure Statement are reversed out of the County Fund Balance in the Movement in

Reserves Statement - where the grant/contribution has yet to be used to finance capital expenditure, it is posted to the Capital Grants Unapplied reserve; where it has been applied, it is posted to the Capital Adjustment Account. Amounts in the Capital Grants Unapplied reserve are transferred to the Capital Adjustment Account once they have been applied to fund capital expenditure.

Government grants and third-party contributions and donations are recognised as due to the Council when there is reasonable assurance that the Council will comply with any conditions that would require repayment of the grant or contribution if not met,

and the grants and contributions will be received.

Grants and contributions are credited to the Comprehensive Income and Expenditure Statement when recognised as due to the Council (i.e., specific revenue grants and contributions are credited to the relevant service line in the Cost of Services, and capital grants and contributions and non-ring-fenced grants are credited to Taxation and Non-Specific Grant Income and Expenditure).

Where specific revenue grants and contributions are credited to the Comprehensive Income and Expenditure Statement, but the associated expenditure has not yet been incurred, the grant is set aside in an Earmarked Revenue Reserve so that it can be matched with the expenditure in a subsequent year.

Capital grants and contributions are reversed out of the General Fund Balance in the Movement in Reserves Statement and are transferred to the Capital Adjustment Account (if the grant eligible expenditure has been incurred) or to the Capital Grants Unapplied Account.

Revenue grants and contributions that have been credited to the relevant directorate line in the Comprehensive Income and Expenditure Statement that remain unapplied as at the Balance Sheet Date and are required to meet committed expenditure in future years are transferred to an earmarked reserve through the Movement in Reserves Statement.

Council tax and business rates income

The council tax and business rates income included in the Comprehensive Income and Expenditure Statement (CIES) for the year is the accrued income for the year. The difference between the income included in the CIES and the amount required by regulation to be credited to the County Fund is taken to the Collection Fund Adjustment Account and included as an adjusting item in the Movement in Reserves Statement.

The district councils in Oxfordshire are acting as agents of the County Council in collecting council tax and business rates. The cash collected from council tax payers and business

rates payers belong proportionately to the district councils and the major preceptors. There is, therefore, a debtor/creditor position between each district council and the County Council to recognise that the net cash paid to the County Council in the year is not the same as its share of cash collected. The County Council recognises its share of Council Tax and business rates debtor and creditor balances, impairment allowances for doubtful debts and provisions for losses on appeal in its Balance Sheet. The Cash Flow Statement of the County Council includes the net council tax and business rates cash received from the Collection Fund in the year.

Employee Benefits

Benefits Payable during Employment

Short-term employee benefits are recognised as an expense in the year in which employees render service to the Council.

Termination Benefits

Termination benefits are charged, on an accrual basis, to the relevant service line in the Comprehensive Income and Expenditure Statement at the earlier of when the Council can no longer withdraw the offer of the benefit or when the Council recognises costs for

a restructuring.

Post-Employment Benefits

The County Council participates in four pension schemes:

- The Local Government Pension Scheme
- The Fire-fighters' Pension Scheme
- The Teachers' Pension Scheme and
- The NHS Pension Scheme

These schemes provide defined benefits to members, however, the arrangements for the Teachers' Pension Scheme and the NHS Pension Scheme mean that liabilities for these benefits cannot be identified to the County Council. These schemes are, therefore, accounted for as if they are defined contribution schemes – no liability for future payment of benefits is recognised in the Balance Sheet and the relevant service lines in the Comprehensive Income and Expenditure Statement are charged with the employer's contributions payable in the year.

The County Council also has restricted powers to make discretionary awards of retirement benefits in the event of early retirements. Any liabilities estimated to arise as a result of an award are accounted for on the same basis as defined benefit schemes.

For the schemes treated as defined benefit schemes the Cost of Services includes:

- Current service cost – the increase in the present value of a scheme's liabilities resulting from employee service in the current period. This is included in the relevant directorate line within the Cost of Services.
- Past service cost – the increase in the present value of the scheme liabilities for employee service in prior periods, resulting from a scheme amendment or curtailment. This is included in Other Corporate Costs within the Cost of Services.
- Gain/loss on settlement – changes in liabilities relating to actions that relieve the County Council of primary responsibility for a pension obligation. This is included in Other Corporate Costs within the Cost of Services.

The net interest on the defined benefit liability (asset) – the change during the period in the net defined benefit liability (asset) that arises from the passage of time - is included in the Financing and Investment Income and Expenditure line of the Comprehensive Income and Expenditure Statement. Remeasurements comprising actuarial gains and losses – changes in the net pensions liability that arise because events have not coincided with assumptions made at the last actuarial valuation or because the actuary has updated their assumptions and the return on scheme assets, excluding amounts included in net interest on the net defined liability (asset), are recognised in Other Comprehensive Income and Expenditure within the Comprehensive Income and Expenditure Statement.

Scheme assets attributable to the County Council are measured at fair value as at the Balance Sheet date. Scheme liabilities attributable to the County Council are measured on an actuarial basis using the projected unit method. The net pensions liability is recognised in the Balance Sheet.

The amount chargeable to the County Fund for providing pensions for employees is the amount payable for the year in accordance with the statutory requirements governing each particular pension scheme. Where this amount does not match the amount charged to the

Surplus or Deficit on the Provision of Services for the year the difference is taken to the Pensions Reserve via the Movement in Reserves Statement.

Fire-Fighters injury awards are disability benefits paid by the County Council that do not form part of the Fire-Fighters Pension Scheme. However, the measurement of these long- term benefits is subject to the same degree of uncertainty as the measurement of fire- fighters post-employment benefits and therefore they are accounted for in the same way as Fire-Fighters post-employment benefits.

Property, Plant and Equipment

Assets that have a physical substance and are held for use in the production or supply of goods or services, or for administrative purposes and that are expected to be used during more than one financial year are classified as Property, Plant and Equipment. These include operational land and buildings, vehicles, plant and equipment, surplus assets, assets under construction and infrastructure.

Expenditure on the acquisition, creation or enhancement of Property, Plant and Equipment is capitalised on an accrual basis, provided that it is probable that future economic benefits or service potential associated with the item will flow to the County Council and the cost of the item can be measured reliably. This excludes expenditure on routine repairs and maintenance, which is charged directly to service revenue accounts as an expense when incurred.

Assets are initially measured at cost, comprising:

- The purchase price
- Any costs attributable to bringing the asset to the location and condition necessary for it to be capable of operating in the manner intended by management
- The initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located (this only applies when the County Council has an obligation to carry out such activities when the item is acquired, constructed or installed)

The County Council does not capitalise borrowing costs incurred whilst assets are under construction.

Property, Plant and Equipment is subsequently carried in the Balance Sheet using the following measurement bases:

- Infrastructure, community assets and assets under construction – depreciated historic cost
- Other Property, Plant and Equipment assets (excluding surplus assets) – current value, determined as the amount that would be paid for the asset in its existing use

Surplus assets – fair value (at highest and best use), determined as the price that would be received to sell such an asset in an orderly transaction between market participants at the measurement date

Where there is no market-based evidence of current value because of the specialist nature of an asset, depreciated replacement cost is used as an estimate of current value.

Where non-property assets have short useful lives or low values (or both), depreciated historic cost basis is used as a proxy for current value.

A *de minimis* level of £30,000 is applied for land and buildings and £20,000 for vehicles and plant, other than for schools local capital spend where a *de minimis* of £2,000 is

Accounting Policies

applied.

Revaluations of property assets are undertaken on a three-year rolling programme as shown below. Material changes to asset valuations are adjusted in the interim periods

		Date of Last Revaluation	Date of Next Revaluation
Year 1	Secondary and Special Schools, Other Educational Premises (Children's, Youth and Sports Centres), Surplus Assets and properties not re-valued in other years.	2023/24	2027/28
Year 2	Primary, Nursery, Junior and Infant Schools	2022/23	2025/26
Year 3	Social Care Premises, Libraries, Museums and Adult Learning, Fire & Rescue Service Premises, Community Safety, Staff Housing, Central Offices and Highways Depot	2024/25	2026/27

Increases in valuations are matched by credits to the Revaluation Reserve to recognise unrealised gains. Exceptionally, gains might be credited to the Surplus or Deficit on the Provision of Services where they arise from the reversal of a loss previously charged to a directorate.

Decreases in valuations are accounted for as follows:

- Where there is a balance of revaluation gains for the asset in the Revaluation Reserve, the carrying amount of the asset is written down against that balance (up to the amount of the accumulated gains)
- Where there is no balance in the Revaluation Reserve or an insufficient balance, the carrying amount of the asset is written down against the relevant directorate in the Comprehensive Income and Expenditure Statement

Assets are assessed each year as to whether there is an indication of impairment. Where indications exist and the recoverable amount of the asset is materially lower than the carrying amount, an impairment loss is recognised for the shortfall. Where impairment losses are identified they are accounted for in the same way as decreases in valuations.

Where an impairment loss is reversed subsequently, the reversal is credited to the relevant directorate, up to the amount of the original loss, adjusted for depreciation that would have been charged if the loss had not been recognised.

Depreciation of Property, Plant and Equipment

Depreciation is provided for on all Property, Plant and Equipment with a finite life, which is determined at acquisition or revaluation. Assets under construction are not depreciated until they are brought into use. Depreciation is an estimation technique that is calculated using the straight-line method with the following asset lives:

- Buildings: 60 years (or less if specified by the valuer)
- Vehicles, plant and equipment: between 3 and 30 years
- IT equipment and infrastructure: between 3 and 5 years
- Infrastructure (roads and bridges): 27.5 years

Land is determined to have an infinite life and is not depreciated.

Where an item of Property, Plant and Equipment asset has major components whose cost is significant in relation to the total cost of the item, the components are depreciated separately.

Revaluation gains are also depreciated, with an amount equal to the difference between current value depreciation charged on assets and the depreciation that would have been chargeable based on their historic cost being transferred each year from the Revaluation Reserve to the Capital Adjustment Account.

Infrastructure Assets

Infrastructure assets are recognised in the Balance Sheet under Property, Plant and Equipment and include carriageways, structures (e.g. bridges), footways and cycle tracks, street lighting and street furniture which together form a single integrated network.

Expenditure on the acquisition or replacement of components of the network is capitalised on an accruals basis, provided that it is probable that the future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably.

Infrastructure assets are generally measured at depreciated historical cost.

Where impairment losses are identified they are accounted for by writing down the carrying amount of the asset to the recoverable amount.

Depreciation is charged on a straight-line basis on parts of the infrastructure network assets that are subject to deterioration or depletion.

When a component of the infrastructure network is disposed of or decommissioned, the carrying amount of the component in the Balance Sheet is written off to Other Operating Expenditure in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal. Receipts from disposals, if any, are credited to the same line in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal.

The written off value of disposal is appropriated to the Capital Adjustment Account from the County Fund Balance in the Movement in Reserves Statement so that there is no charge against the Council Tax.

Charges to Revenue for Property, Plant and Equipment

Services, support services and trading accounts are charged with a capital charge for all Property, Plant and Equipment used in the provision of services. The charge covers the annual provision for depreciation and revaluation and impairment losses where there are no accumulated gains in the Revaluation Reserve against which the losses can be written off. The County Council is not required to raise council tax to fund depreciation or revaluation/impairment losses. However, it is required to make an annual contribution from revenue towards the reduction in its overall borrowing requirement (referred to as Minimum Revenue Provision (MRP)). Depreciation and revaluation/impairment losses are therefore replaced by the MRP contribution in the County Fund Balance by way of an appropriation transaction with the Capital Adjustment

Account in the Movement in Reserves Statement.

Disposals and Non-current Assets Held for Sale

When it becomes probable that the carrying amount of an asset will be recovered principally through a sale transaction rather than through its continuing use, it is reclassified as an Asset Held for Sale. To be classified as an Asset Held for Sale the asset must meet the following criteria:

- Available for immediate sale in its present condition
- The sale must be highly probable
- Actively marketed at a reasonable sale price
- The sale should be expected to be completed within 1 year

Assets Held for Sale are measured at the lower of their carrying value and fair value less costs to sell at initial reclassification. Gains in fair value are recognised only up to the amount of any previously recognised losses in the Surplus or Deficit on the Provision of Services. Decreases in fair value less costs to sell are recognised in Other Operating Expenditure in the Comprehensive Income and Expenditure Statement. Depreciation is not charged on Assets Held for Sale.

If assets no longer meet the criteria to be classified as Assets Held for Sale, they are reclassified back to Property, Plant and Equipment and valued at the lower of their carrying amount before they were classified as held for sale (adjusted for depreciation or revaluations that would have been recognised had they not been classified as Held for Sale) and their recoverable amount at the date of the decision not to sell.

Assets that are to be abandoned or scrapped are not reclassified as Assets Held for Sale.

When an asset is disposed of, the carrying amount of the asset in the Balance Sheet is written off to Other Operating Expenditure in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal. Receipts from disposals are credited to the same line in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal. Any revaluation gains in the Revaluation Reserve are transferred to the Capital Adjustment Account.

Receipts from the disposal of assets in excess of £10,000 are categorised as capital receipts. Capital receipts are appropriated to the Capital Receipts Unapplied reserve from the County Fund Balance in the Movement in Reserves Statement.

The written off value of assets disposed of is appropriated to the Capital Adjustment Account from the County Fund Balance in the Movement in Reserves Statement so that there is no charge against the Council Tax.

Investment Property

Investment properties are those that are used solely to earn rentals and/or for capital appreciation.

Investment properties are measured initially at cost and subsequently at fair value (at highest and best use), being the price that would be received to sell such an asset in an orderly transaction between market participants at the measurement date. Investment properties are not depreciated and are revalued annually according to market conditions. Gains and losses on revaluation are posted to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement. Gains and losses on disposal are posted to Other Operating Expenditure. The gains and losses are reversed at the County Fund Balance to the Capital

Adjustment Account (or Capital Receipts Unapplied for disposal receipts over £10,000) in the Movement in Reserves Statement so that they do not impact on Council Tax.

Revenue Expenditure Funded from Capital Under Statute

Capital expenditure on non-current assets not owned by the County Council and grants given by the County Council for capital purposes are charged to the relevant directorate in the Comprehensive Income and Expenditure Statement. In accordance with statutory provisions this expenditure is transferred from the County Fund Balance to the Capital Adjustment Account in the Movement in Reserves Statement, such that there is no impact on Council Tax.

Private Finance Initiative (PFI) and similar contracts (service concession arrangements)

PFI type contracts involve a private sector entity (the operator) constructing or enhancing property used in the provision of a public service and operating and maintaining that property for a specified period of time. The operator is paid for its services over the period of the arrangement. Where the County Council controls or regulates the services provided by the operator and controls the residual interest in the property at the end of the term of the arrangement the contract meets the tests for accounting as a service concession arrangement.

Properties used in service concession arrangements are recognised as Property, Plant and Equipment of the County Council. The original recognition of the assets at fair value (based on the cost to purchase the assets) is matched by the recognition of liabilities for amounts due to the operators to pay for the assets and deferred income where the operator part funds the assets from income from third parties. Once recognised on the Balance Sheet these assets are revalued and depreciated in the same way as other Property, Plant and Equipment owned by the County Council.

The amounts payable to the service concession arrangement operators each year are analysed into five elements:

- The value of services received during the year – charged to the relevant directorate in the Comprehensive Income and Expenditure Statement
- Finance costs – an interest charge on the outstanding finance liability – charged to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement
- Payments towards the finance liability – applied to write down the Balance Sheet liability towards the operator
- Contingent rents – inflationary increases in the amounts to be paid for the property arising during the contract – charged to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement. Note for the County Council's current service concession arrangement there is no inflation applied to the elements of the contract payments relating to the property build costs and, therefore, there are no contingent rents.
- Lifecycle replacement costs – recognised as a capital prepayment in the Balance Sheet and transferred to Property, Plant and Equipment when capital works are undertaken.

Deferred income is released to the relevant directorate in the Comprehensive Income

and Expenditure Statement on a straight-line basis over the service concession period.

Leases

Leases are classified as finance leases where the terms of the lease transfer substantially all the risks and rewards incidental to ownership of the property, plant or equipment from the lessor to the lessee. All other leases are classified as operating leases.

Where a property lease covers both land and buildings, the land and buildings elements are considered separately for lease classification.

Arrangements that do not have the legal status of a lease but convey a right to use an asset in return for payment are accounted for under this policy where fulfilment of the arrangement is dependent on the use of specific assets.

Where the County Council is the lessee, property, plant and equipment held under a finance lease is recognised on the Balance Sheet at the commencement of the lease at its fair value at the lease's inception (or the present value of the minimum lease payments, if lower). The asset recognised is matched by a liability for the obligation to pay the lessor. Premiums paid on entry into a lease are applied to writing down the lease liability. Contingent rents are charged as expenses in the periods in which they are incurred. The lease payments are apportioned between a charge for the acquisition of the interest in the asset – applied to writing down the liability, and a finance charge – charged to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement. Once recognised on the Balance Sheet, assets recognised under finance leases are accounted for in the same way as other Property, Plant and Equipment, subject to depreciation being charged over the lease term if this is shorter than the asset's estimated useful life.

Rentals paid by the Council under operating leases are charged to the relevant directorate in the Comprehensive Income and Expenditure Statement on a straight-line basis over the lease period except where the contractual payment terms are considered to be a more systematic and appropriate basis.

Where the County Council leases out an asset as lessor under a finance lease, the asset is written out of the Balance Sheet as a disposal. At the commencement of the lease, the carrying amount of the asset is written off to the Other Operating Expenditure line in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal. A gain, representing the County Council's net investment in the lease, is credited to the same line in the Comprehensive Income and Expenditure Statement as part of the gain or loss on disposal, matched by a long-term debtor in the Balance Sheet. Finance lease rentals receivable are apportioned between a charge for the acquisition of the interest in the property – applied to write down the long-term debtor (together with any premiums received), and finance income credited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

The gain credited to the Comprehensive Income and Expenditure Statement on disposal is required under statute to be treated as a capital receipt. Where a premium has been received, this is posted out of the County Fund Balance to the Capital Receipts Unapplied reserve in the Movement in Reserves Statement. Where the amount due in relation to the lease asset is to be settled by the payment of rentals in future years, this

is posted out of the County Fund Balance to the Deferred Capital Receipts Reserve in the Movement in Reserves Statement. When the future rentals are received, the element for the capital receipt for the disposal of the asset is used to write down the long-term debtor and the deferred capital receipts are transferred to the Capital Receipts Unapplied reserve. The written-off carrying amount of the asset on disposal is appropriated to the Capital Adjustment Account from the County Fund Balance in the Movement in Reserves Statement so that there is no impact on Council Tax.

Where the County Council leases an asset to others under an operating lease, the asset is retained on the Balance Sheet. Rental income is credited to the relevant directorate in the Comprehensive Income and Expenditure Statement on a straight-line basis over the lease period (including any premiums received at the commencement of the lease).

Cash and Cash Equivalents

Cash is represented by cash in hand and bank deposits repayable without penalty on notice of not more than 24 hours. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. The County Council treats the following as cash equivalents:

- Instant Access Call Accounts
- Instant Access Short Term Funds
- Deposits with one working day to maturity from date of deposit

Financial Assets

The Council's business model is to hold investments to collect contractual cash flows. Financial assets are therefore classified as at amortised cost, except for those whose contractual payments are not solely payment of principal and interest (i.e. where the cash flows do not take the form of a basic debt instrument).

- Financial assets are classified into three types:
- Amortised cost
- Financial assets at fair value through Other Comprehensive Income
- Financial assets at fair value through profit or loss

Financial Assets at Amortised cost are initially measured at fair value and carried in the Balance Sheet at their amortised cost. Credits to the Financing and Investment Income and Expenditure line of the Comprehensive Income and Expenditure Statement for external interest receivable are based on the carrying amount of the asset, multiplied by the effective interest rate for the instrument. For the majority of the County Council's investments, the effective interest rate is the same as the actual interest receivable in accordance with the loan agreement. Short duration receivables with no stated interest rates (e.g. debtors) are measured at original invoice amount.

The Council recognises expected credit losses on all its financial assets held at amortised cost.

Impairment losses are calculated to reflect the expectation that the future cash flows might not take place because the borrower could default on their obligations. Credit risk plays a crucial part in assessing losses. Where risk has increased significantly since an instrument was initially recognised, losses are assessed on a lifetime basis.

Where risk has not increased significantly and remains low, losses are assessed on the

basis of 12-month expected losses.

The expected credit loss model also applies to lease receivables. Lifetime losses are recognised for trade receivables (debtors) held by the Council.

The County Council has made a number of loans to clients and other organisations at less than market interest rates or zero rate (referred to in the Code as soft loans). For the County Council there are no material differences between the fair value and the nominal value of such loans and no adjustments are made on initial recognition of these loans.

Where assets are identified as impaired because of a likelihood arising from a past event that payments due under the contract will not be made, the carrying value of the asset is reduced through the use of an allowance account and a charge made to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

Any gains and losses arising on the derecognition of assets are credited/debited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

Financial assets at fair value through Other Comprehensive Income are initially measured and carried in the Balance Sheet at fair value. Where the asset has fixed or determinable payments, credits to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement for interest receivable are based on the amortised cost of the asset multiplied by the effective interest rate for the instrument. Where there are no fixed or determinable payments, income is credited to the Comprehensive Income and Expenditure Statement when it becomes receivable.

Assets are maintained in the Balance Sheet at fair value. Values are based on:

- Instruments with quoted market prices – the market price
- Other instruments with fixed and determinable payments – discounted cash flow analysis

The inputs to the measurement techniques are categorised in accordance with the following three levels:

- Level 1 inputs - quoted prices (unadjusted) in active markets for identical assets that the County Council can access at the measurement date
- Level 2 inputs – inputs other than quoted prices included within Level 1 that are observable for the asset, either directly or indirectly
- Level 3 inputs – unobservable inputs for the asset

Changes in fair value are balanced by an entry in the Financial Instruments Adjustment Account and the gain/loss recognised in Other Comprehensive Income and Expenditure (except for impairment losses).

Where assets are identified as impaired because of a likelihood arising from a past event that payments due under the contract will not be made, the asset is written down through the use of an allowance account and a charge made to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

Any gains and losses arising on the derecognition of assets are credited/debited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement, along with any accumulated gains/losses recognised in the Financial Instruments Revaluation Reserve.

Financial assets at fair value through profit or loss are initially measured and carried in the Balance Sheet at fair value. Movements in fair value are balanced by posting gains and losses to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement as they arise. Any residual gains and losses arising on derecognition are also credited/debited to the Comprehensive Income and Expenditure Statement. The basis of fair value and the inputs to the measurement techniques is the same as for Financial assets at fair value through Other Comprehensive Income.

The carrying amounts of individual financial assets are separated into their current (short-term) and non-current (long-term) elements for presentation within the Balance Sheet.

Financial Liabilities

Financial liabilities are recognised on the Balance Sheet when the County Council becomes a party to the contractual provisions of the financial instrument. Financial liabilities are initially measured at fair value and are carried at their amortised cost.

Interest is charged to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement, based on the carrying amount of the liabilities, multiplied by the effective rate of interest for the instruments. This means that:

- The amount included in the Balance Sheet is the outstanding principal repayable, plus accrued interest; and
- Interest charged to the Comprehensive Income and Expenditure Statement is the amount payable for the year according to the loan agreement.

Financial liabilities are de-recognised when the obligation is discharged, cancelled or expires.

Debt Redemption

The County Council complies with legislation to charge a Minimum Revenue Provision (MRP) to the County Fund revenue account for the repayment of debt by making a straight-line charge of the outstanding pre-2008 capital expenditure as at 1 April 2017 calculated over a 50-year period and making provision for repayment of prudential borrowing in equal instalments over the estimated life of the asset for which the borrowing is undertaken.

In addition, the provision for repayment of debt includes an amount equal to the amount that is taken to the Balance Sheet to reduce the liabilities in respect of PFI and similar contracts and for the prepayment of lifecycle costs relating to these contracts, and an amount equal to the amount that is taken to the Balance Sheet to reduce liabilities in respect of finance leases.

Provisions

Provisions are made where the County Council has a present obligation (legal or constructive) as a result of a past event that probably requires settlement by a transfer of economic benefits or service potential, and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed annually and are adjusted to reflect the current best estimate against the appropriate directorate in the Comprehensive Income and Expenditure Statement. When payments are eventually made they are charged directly to the provision.

Insurance

The County Council has a policy of self-insurance of claims across its main insurance categories. In accordance with the Code the insurance provision is set aside to cover insurance claims actually received and awaiting resolution that have been advised to the County Council and which it has been decided to be insured internally rather than externally. Subject to identified contingent liabilities there are no significant unfunded risks.

Contingent liabilities

Contingent liabilities are possible obligations arising from past events and whose existence will be confirmed by one or more uncertain events occurring in the future and are not wholly under the County Council's control. Contingent liabilities also arise in circumstances where a provision would otherwise be made but either it is not probable that there will be a transfer of economic benefits or where the obligation cannot be measured with sufficient reliability.

Financial guarantee contracts come under the definition of financial instruments and are initially recognised in the accounts at fair value. This only applies to guarantees entered into after 1 April 2006. Any entered into before that date continue to be recognised as contingent liabilities. If payment under the guarantee becomes probable the liability would be determined in accordance with the requirement for provisions.

Reserves

A reserve, whether capital or revenue, results from events that have allowed monies to be set aside, surpluses, or decisions causing anticipated expenditure to have been postponed or cancelled. These can be spent or earmarked at the discretion of the County Council. Earmarked revenue reserves can be used to set aside available monies for major anticipated capital schemes, for projects or service arrangements that the County Council may wish to carry out, business unit surpluses, service efficiency savings and contingent liabilities where a provision is not required.

Reserves are established and used for different reasons. These include:

- Usable reserves - reserves that can be used at the County Council's discretion to fund either revenue or capital spend.
- Unusable reserves - reserves relating to unrealised gains, such as the Revaluation Reserve, that are not "cash backed" and cannot be used to fund future capital or revenue spending and reserves relating to differences between accounting policy and statutory requirements, such as the Capital Adjustment Account.

Earmarked reserves are created by appropriating amounts from the County Fund Balance in the Movement in Reserves Statement. When expenditure to be financed from a

reserve is incurred it is charged to the appropriate directorate. The reserve is then appropriated back into the County Fund Balance in the Movement in Reserves Statement so that there is no net charge against Council Tax for the expenditure.

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2020 (SI 2020 No 1212) require DSG deficits to be held in a separate reserve in local authorities' accounts. These regulations, which require the negative balance to be held in an unusable reserve, will come to an end on 31 March 2026.

Group Accounts

The County Council is required to prepare group accounts where it has interests in subsidiaries, associates and/or joint ventures, subject to consideration of materiality. For 2024/25 the County Council did not have any such interests that are considered material and therefore prepared these accounts only as a single entity rather than as group accounts.

The County Council participates in a number of joint operations (e.g. pooled budget arrangements with the health sector). The County Council accounts directly (in its single entity accounts) for its part of the assets, liabilities, income, expenditure and cash flows held within or arising from such an arrangement.

There are a number of circumstances where the County Council exercises limited influence, and these are disclosed as related parties. Under these circumstances, transactions with these bodies are charged against the appropriate service in the Comprehensive Income and Expenditure Statement, and balances owed by them or to them are included in debtors and creditors.

From 31 March 2024, Local Enterprise Partnerships (LEPs) ceased to have official recognition and existing LEP functions were transferred to upper-tier local authorities or combined authorities, where they exist. From 1 April 2024 the County Council has a controlling interest in OxLEP Ltd and is the sole member. Group accounts for 2024/25 will be prepared on that basis.

Schools

Under the Code, local authority-maintained schools are considered to be separate entities with the balance of control lying with the Council. The Code requires that the income, expenditure, assets and liabilities of maintained schools be accounted for in the single entity accounts of the Council rather than requiring consolidation in the Group Accounts.

In accordance with the Education Reform Act 1988, the scheme of Local Management of Schools provides for the carry forward of individual school surpluses and deficits. These are held as usable earmarked reserves and are committed to be spent on schools.

Taxation

The County Council is exempt from income tax, corporation tax and from capital gains tax.

Value Added Tax is excluded from both revenue and capital in terms of both income and expenditure except where the County Council is not able to recover VAT on expenditure.

The County Council incurs landfill tax, which is charged on a tonnage basis to the County Council by its waste disposal contractors.

In addition, the County Council incurs stamp duty land tax on the acquisition of property freeholds and leaseholds, climate change levy on its energy bills and insurance premium tax on its insurance costs. Also, the County Council incurs employer's National Insurance contributions based on a percentage of staff salaries.

Where the County Council incurs a cost is charged to directorates in the

Notes to the Statement of

Comprehensive Income and Expenditure Statement.

Rounding

In preparing the Statement of Accounts all numbers, including totals, have been rounded independently to avoid unacceptable rounding errors. This may mean that some tables do not cross cast. Also, Sometime the notes will have opposite signs to the numbers on the balance sheet, because they show the counterpart of the transaction.

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AUDIT & GOVERNANCE COMMITTEE

12 March 2025

COUNTER FRAUD UPDATE

Report by Executive Director of Resources and Section 151 Officer

RECOMMENDATION

1. **The Committee is RECOMMENDED to**
 - a) Note the summary of activity against the Counter Fraud Plan for 2024/25.

Executive Summary

2. This report presents a summary of activity against the Counter Fraud Plan for 2024/25, presented to the July 2024 Audit & Governance committee meeting, with a further updated provided to the November 2024 meeting. The Counter Fraud plan supports the Council's Anti-Fraud and Corruption Strategy by ensuring that the Council has proportionate and effective resources and controls in place to prevent and detect fraud as well as investigate those matters that do arise.

Counter-Fraud Team Update

Counter-Fraud Service & Resources Update

3. The Counter Fraud team comprises of the Counter Fraud Team Manager, Senior Counter Fraud Officer, Data and Intelligence Officer and the Assistant Counter Fraud Officer.
4. As noted in previous updates, the Counter Fraud team receive, log and triage all whistleblowing reports. The Chief Internal Auditor and Counter Fraud Team Manager meet with the Director of Law & Governance regularly to review, discuss and progress all whistleblowing investigations.
5. **Case Figures 2024/25 (at end of February 2025):**

Indicator	Value
New Cases 2024/25 (April – November 2024)	31 cases
Current open cases (by year)	2024/25: 17 2023/24: 2 2022/23: 0

With the Police	2021/22: 0 2020/21: 0 For 3 cases, the team are currently in liaison with the police.
New Cases by type	Blue Badge: 12 Contractor: 5 Deprivation of Assets: 1 Direct Payment: 4 Employee: 6 Insurance: 2 Financial Abuse: 1
New Cases by referral source	Anonymous: 2 Employee / Internal Control: 24 Other Local Authority: 2 External: 2 National Fraud Initiative: 1

6. Update against the Counter-Fraud Plan 2024/25

The 2024/25 Plan, which was previously presented to the Audit & Governance July 2024 meeting, has been structured around the 5 pillars of anti-fraud activity in the Local Government Counter Fraud and Corruption Strategy – Fighting Fraud and Corruption Locally:

Objective	Actions	Timescale	March 2025 Update
Acknowledge: Understand fraud risk and maintain a robust anti-fraud response.	1) Continue development of Council's fraud risk register.	End of quarter 3.	To be presented to the AWG in March 2025.
Prevent: Prevent and detect fraud taking place against the organisation, using proactive work and data analysis.	2) Fraud alerts to be provided to service areas as necessary. 3) Upload of data for the new NFI 2024/2025 exercise. 4) Review of initial NFI	Ongoing. End of quarter 3. End of quarter 4.	Ongoing. The matches are now available, and the match review has commenced. In progress

	<p>match data once received in February 2025.</p> <p>5) To complete Joint Internal Audit & Counter Fraud proactive reviews into Travel expenses (included in Internal Audit Plan 24/25).</p> <p>6) To enhance data analytic capability to support potential areas of proactive work.</p>	<p>End of July 2024.</p> <p>Ongoing.</p>	<p>The audit testing has been completed, and a draft report has been issued.</p> <p>Ongoing.</p>
<p>Pursue: Carry out fraud investigations, apply sanctions to offenders and recover losses.</p>	<p>7) Conduct investigations into suspected fraud and malpractice (this includes participation in joint investigations with other enforcement authorities).</p> <p>8) Continue enforcement activities against Blue Badge fraud and misuse by completing on-street exercises.</p> <p>9) Respond to information</p>	<p>Ongoing.</p> <p>3-4 targeted exercises per financial year.</p> <p>Ongoing.</p>	<p>Ongoing. 31 cases of suspected fraud have been opened so far in 2024/25, with 14 investigations closed.</p> <p>4 exercises have been completed in 2024/25. Please see the Blue Badge Update below.</p> <p>Ongoing.</p>

		requests from the Police, other Local Authorities and investigation bodies such as HMRC.		
Protect: Recognising the harm that fraud can cause in the community.	10)	Review and share fraud trends and new threats with relevant service areas.	Ongoing.	Ongoing. The Team have disseminated 23 NAFN fraud alerts to relevant service areas so far in 2024/25.
	11)	Continue to foster relations with other internal and external teams (e.g. Gangmasters Authority, Anti-Slavery Coordinator, & Care Quality Commission).	Ongoing.	Ongoing. Two cases have been referred to the Gangmasters Authority in 2024/25.

Other updates

7. Blue Badge Enforcement:

The Counter-Fraud Team have continued to conduct on-street blue badge enforcement exercises in 2024-25, with two exercises completed in May and June 2024 and a further two exercises completed in January 2025.

During the on-street exercise in May 2024, 64 blue badges were checked. 1 blue badge was seized, and 4 Penalty Charge Notices were issued by the Council's Civil Enforcement Partner. In the case where the blue badge was seized, a warning letter was issued to the badge user. The exercise resulted in 2 prosecution files submitted for the use of badges that had been reported as lost and stolen (respectively). Both cases were successfully prosecuted, resulting in fines of £209 and £134, and a total of £850 awarded to the Council for costs.

The on-street exercise in June 2024, where 53 blue badges were checked, resulted in the seizure of 2 blue badges and 5 Penalty Charge Notices issued. One investigation resulted in a Local Authority Simple Caution being issued and signed by the user of the badge. Prosecution files were then submitted for 2 additional cases involving the use of blue badges reported as stolen. One case was successfully prosecuted, resulting in a fine of £153 and £350 in costs awarded to the Council. The second case was discharged by way of a signed Local Authority Simple Caution.

For the first of two on-street exercises completed in January 2025, 61 blue badges were checked. 1 blue badge was seized, and 4 Penalty Charge Notices were issued. The second on-street exercise, covering different areas of Oxfordshire, resulted in an additional 60 blue badges being checked and 4 Penalty Charge Notices issued. Additionally, 2 blue badges were seized.

The January 2025 exercises have resulted in warning letters being issued for two cases. Investigations are ongoing for a further 4 cases. Updates on the outcomes of these cases will be provided in a future Counter Fraud Update.

8. National Fraud Initiative:

2024/25 Exercise:

The 2024/25 exercise commenced in October 2024, with the extraction and upload of 7 datasets across 5 areas of the Council: Concessionary Travel Passes, Creditors, Parking Permits, Payroll, and Pensions. The upload was successfully completed, and the matches became available in January 2025.

A plan for the review of the matches is underway. Specifically, work has commenced on the review of the Payroll-to-Payroll matches, which identify overlapping periods of employment in more than one organisation. The matches have so far identified two cases of potential undeclared secondary employment which are currently being investigated.

The NFI has noted the increase in multiple employment fraud across the public sector, particularly concerning agency contracts. The Payroll-to-Payroll match currently only includes permanent employees. This was expanded to include agency workers for a small number of Local Authorities and is expected to be rolled out to all NFI participants (including Oxfordshire County Council) at a future date.

The NFI proposed in 2024 that reports covering Personal Budgets (for Adult Social Care clients) and Private Supported Care Home Residents will be reintroduced as supplemental matches for the 2024/25 exercise. These reports were available up until (but not including) the 2020/21 exercise. The Counter-Fraud Team awaits further instructions from the NFI regarding their reintroduction.

9. Controls Improvement & Cases to Note:

Upon the conclusion of each investigation, where applicable, the control environment is reviewed, and a post investigation report issued. The reports highlight any weaknesses identified and include agreed actions to prevent, stop and minimise the risk of reoccurrence. The agreed action plan from each report is monitored for implementation by the Counter Fraud Team.

In the November update to Audit & Governance Committee it was reported that following an investigation into a School Business Manager which identified fraudulent purchasing card transactions and forged cheques from the school bank account that the team had prepared a full prosecution file, which was referred to the police and subsequently to the Crown Prosecution Service (CPS) for a charging decision. The CPS has now confirmed that 3 charges will be made against the School Business Manager: two for fraud by abuse of position (Fraud Act 2006) and one for theft (Theft Act 1968). The team is now awaiting the date of a sentencing hearing. In the interim, the amount lost from the forged cheques has been refunded to the Council by the relevant bank.

It was previously reported that the team is currently investigating a supplier of services to the Council who appears to have continued to invoice for a service no longer provided. The team are working with Legal Services to pursue to the appropriate sanctions including recovery of overpayment.

This investigation prompted the Counter-Fraud Team to undertake a proactive data matching exercise using internal datasets, with the aim of identifying similar circumstances where suppliers continued to invoice where the service was no longer being provided. Parallel to this, the team carried out a separate proactive exercise evaluating the controls around the service being contracted. The two exercises have resulted in other new cases being identified, which are in the process of being reviewed and where appropriate investigated further. A full update on this work will be included within the March update to the Audit Working Group.

It was reported in July and November 2024 that a further investigation is being carried out into an allegation that the Council has been provided with incorrect information regarding the residency of a client of Adult Social Care's family member, which materially affected the client contribution. Following correspondence with the family member's solicitor, it has now been agreed that the Council will be repaid in full following the sale of the client's property. The team will continue to liaise with Legal Services and will provide an update when the funds have been received. The Council expects to receive £56,572 in full and final payment.

4 cases of alleged multiple employment fraud have been opened in 2024-25. 2 cases were closed down with no further action by the Counter Fraud Team. For the other 2 cases, a potential overlapping period of employment was identified between the Council and another employer, and investigations are ongoing.

Information sharing with the HR & Cultural Change Service on fraud alerts or referrals concerning multiple employment fraud has been enhanced, and the team has provided

support to HR & Cultural Change Service and the Governance Team in strengthening relevant internal policies.

Financial Implications

10. There are no direct financial implications arising from this report. The report presents amounts recovered and prevented future losses from individual investigations.

Comments checked by:

Lorna Baxter, Executive Director of Resources & S151 Officer
lorna.baxter@oxfordshire.gov.uk

Legal Implications

11. There are no direct legal implications arising from this report. The Director of Law and Governance and also the Head of Legal & Governance are involved in all whistleblowing referrals and fraud referral cases that proceed to investigation stages.

Comments checked by:

Kim Sawyer, Interim Head of Legal and Governance,
kim.sawyer@oxfordshire.gov.uk

Staff Implications

12. There are no direct staff implications arising from this report.

Equality & Inclusion Implications

13. There are no direct equality and inclusion implications arising from this report.

Sustainability Implications

14. There are no direct sustainability implications arising from this report.

Risk Management

15. There are no direct risk management implications arising from this report.

Lorna Baxter, Executive Director of Resources & S151 Officer

Annex: Nil

Background papers: Nil

Contact Officers: Sarah Cox, Chief Internal Auditor
sarah.cox@oxfordshire.gov.uk
Declan Brolly, Counter Fraud Manager,
Declan.brolly@oxfordshire.gov.uk

March 2025

AUDIT & GOVERNANCE COMMITTEE 12 MARCH 2025

ANNUAL REPORT OF AUDIT AND GOVERNANCE COMMITTEE

Report by Executive Director of Resources and Section 151 Officer

RECOMMENDATION

1. **The Audit & Governance Committee is RECOMMENDED to**

To review the draft report, agree any amendments and finalise in preparation for presentation to Council by the Chair of the Audit & Governance Committee.

Executive Summary

2. In accordance with CIPFA (The Chartered Institute of Public Finance & Accountancy) Audit Committee Guidelines for Local Authorities 2022, it is recommended practice for an annual public report to be produced and reported to Council demonstrating how the committee has discharged its responsibilities.

Annual Report of Audit & Governance Committee

3. A draft report of the activities of the committee for the financial year 2024/25 has been prepared and is included within Annex 1. It has previously been circulated for review and comment to Audit & Governance Committee members. It is proposed that any suggested amendments/additional comments are discussed and agreed at the committee.
4. The final report will then be produced for the Chair of the committee, to schedule and present to Council.
5. Compliance with CIPFA's guidance for Local Authority Audit Committees 2022, demonstrates the committee's commitment to high standards and the production of the annual report demonstrates the role the committee exercises in being a key component of good governance for Oxfordshire County Council.

Financial Implications

6. There are no financial implications arising from this report.

Comments checked by: Lorna Baxter, Executive Director of Resources (s151 Officer), lorna.baxter@oxfordshire.gov.uk

Legal Implications

7. There are no direct legal implications arising from this report.
Comments checked by:

Kim Sawyer, Interim Head of Legal and Governance,
kim.sawyer@oxfordshire.gov.uk

Staff Implications

8. There are no staffing implications arising from this report.

Equality & Inclusion Implications

9. There are no equality and inclusion implications arising from this report.

Sustainability Implications

10. There are no sustainability implications arising from this report.

Risk Management

11. There are no risk management implications arising from this report.

Lorna Baxter, Executive Director of Resources

Annex: Draft Annual Report of the Audit and Governance Committee.

Background papers: None.

Contact Officer: Sarah Cox, Chief Internal Auditor,
sarah.cox@oxfordshire.gov.uk

March 2025.

Audit & Governance Committee Annual Report

Report of the work of the Audit & Governance Committee during 2024-25

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Chair's Introduction

This is my first year as Chair of the Audit and Governance Committee. As Chair, I am very pleased to present this annual report which sets out the role of the Audit & Governance Committee and summarises the work we have undertaken both as a committee, and through the support of the Audit Working Group during the financial year 2024/25.

The Committee operates in accordance with the good practice guidance produced by the Chartered Institute of Public Finance Accountancy (CIPFA), revised 2022. The Committee is operating effectively in accordance with the standards, providing an independent and high-level resource which supports good governance and strong public financial management.

Members of the Committee continue to be well supported by Officers, providing a high standard of reports and presentations. I would like to thank the Internal Audit, External Audit, Law and Governance and Finance teams for their input.

I should like to take this opportunity to give my personal thanks to all the officers, Dr Geoff Jones, Chair of the Audit Working Group, the Deputy Chair Councillor Roz Smith and all fellow Committee members who have contributed and supported the work of the Committee in such a meaningful and positive way throughout the past year.

COUNCILLOR TED FENTON

Chair, Audit & Governance Committee

Role of the Audit & Governance Committee

The Audit and Governance Committee operates in accordance with the 'Audit Committees, Practical Guidance for Local Authorities' produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) 2022. The Committee complies with the CIPFA's position statement. The Guidance defines the purpose of an Audit Committee as follows:

Audit committees are a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

The key functions of the Audit and Governance Committee are defined within the Council's Constitution. In discharging these functions, the Committee is supported by the Audit Working Group.

How the Committee has discharged its responsibilities during 2024/25

Key A&G Committee Activities	May 24	July 24	Sept 24	Nov 24	Jan 25	March 25
Financial Reporting						
Statement of accounts 2022/23 & 2023/24						
Review of Treasury Management Outturn 2023/24						
Treasury Management Performance Report						
Treasury Management Annual Investment Strategy 2025/26						
Treasury Management mid-term review						
Financial Management Code Compliance Assessment						
Financial Procedure Rules and Financial Regulations						
Accounting Polices						
Internal Audit						
Annual Report of the Chief Internal Auditor 2023/24						
Internal Audit Strategy and Plan 2024/25						
Reports from Audit Working Group						
Review of Internal Audit Reports and monitor of in-year progress						
Review of Internal Audit Charter and Quality Assurance Programme						
External Audit						
External audit updates						
Reforms to clear backlog in local audit. / Consultation Local Audit Strategy						
Pension Fund Audit						
Governance & Risk Management						
Annual Governance Statement (AGS) for 2023/24						
Review of AGS action plan						
Risk Management update						
Oxfordshire Fire & Rescue Statement of Assurance						
Oxford Fire & Rescue Annual Report						
Local Government Ombudsman annual report						

Key A&G Committee Activities	May 24	July 24	Sept 24	Nov 24	Jan 25	March 25
Monitoring Officer annual report						
Annual Report of A&G committee – draft						
Whistleblowing annual report						
Annual report of Health and Safety						
Constitutional changes from HR						
Constitution update						
Oxfordshire Code of Corporate Governance						
Review of Members and Officers' fiduciary responsibilities.						
Policy on Councillor Training & Development						
Changes to Constitution of Pension Fund Committee						
RIPA policy						
Consultation – Strengthening the Standards and Conduct Framework						
Highways Contract Arrangements						
Electoral Fees and Charges						
Counter-Fraud						
Approval of Counter-Fraud Strategy and plan for 2024/25						
Counter-Fraud Plan update						

The Committee is supported by the Audit Working Group (AWG):

Key Audit Working Group activities	July 24	Oct 24	March 25
Internal Audit of Procurement Cards			
Internal Audit of Health Funded Payments			
Internal Audit of Adults Payments to Providers			
Internal Audit of Legal Case Management			
Internal Audit of Supported Transport – Contract Procurement & Contract Management			
Internal Audit of Strategic Contract Management			
Update on Counter Fraud Activity and Counter Fraud Risk Register			

2024/25 Key Achievements:

- The Committee and the Audit Working Group (AWG) have continued to review and monitor material weaknesses identified from the internal audit reports with Senior Managers attending to provide assurance on how the issues were being addressed. This has supported the implementation of the actions plans to deliver the required improvements in key areas for the Council.
- The Committee is pleased to note through review of the Internal Audit reports and monitoring by the Committee and AWG, of the agreed management actions that significant weaknesses in the system of internal control are being prioritised and addressed.
- The Committee has provided effective scrutiny of the treasury management strategy and policies. Receiving regular reports of activity, reviewing the treasury risk profile and adequacy of treasury risk management processes has contributed to good performance in this area.
- The Committee and AWG continue to consider key topics / areas of risk, seeking assurance from lead officers in the relevant areas that robust processes are in place. Areas considered during 2024/25 have included Whistleblowing, Highways Contract governance arrangements, Health & Safety, Risk Management and follow up of audits including Adults Payments to Providers, Procurement Cards, Legal Case Management and Supported Transport Contract Procurement and Contract Management.

Our work in 2024/25

The key activities of both the Committee and the Audit Working Group are captured in the tables above. In summary:

Financial Reporting

The Committee is responsible for the review and approval of the annual statement of accounts on behalf of the Council. The Committee has received regular updates on progress from the external auditors and officers.

The Committee receives and reviews the results of the Financial Management Code annual self-assessment.

The Committee receives reports from the Treasury Management Team, exercising its stewardship role. The Committee reviewed the Treasury Management Outturn Report 2023/24, the Treasury Management Mid-term Performance Report 2024/25 and the Treasury Management Strategy Statement and Annual Investment Strategy 2025/26.

Internal Audit

The Committee approved the Internal Audit Strategy for 2024/25, including the annual audit plan. The Committee receives regular progress reports from the Chief Internal Auditor, including summaries of the outcomes from Internal Audit work. Through the Audit Working Group, the Committee monitors the progress with the implementation of management actions arising from audit reports.

Upon finalisation of an internal audit report, the executive summary is included in the quarterly update report to the Audit & Governance Committee. The Committee will request the Audit Working Group consider in more detail any internal audit reports which are graded Red and also any Amber reports where the Committee wants further assurance on. Senior Managers are asked to attend the Audit Working Group and explain how the issues identified are being addressed and the progress with implementation of the agreed management actions.

In response to Internal Audit reports the Committee and the Audit Working Group, has looked in detail at the following areas: Legal Case Management (overall conclusion graded red), Supported Transport Contract Procurement and Contract Management (overall conclusion graded red), Procurement cards (overall conclusion graded amber), Health Funded Payments (overall conclusion graded amber), Adults Payments to Providers (overall conclusion graded amber) and Strategic Contract Management (overall conclusion graded amber).

The Committee has continued to monitor the resourcing of Internal Audit. The Committee recognises the challenges in recruitment in this area and continue to be updated regarding the recruitment and retention strategies being adopted, which includes the recruitment of apprentice auditors within the team.

The completion of the Internal Audit Plan and the annual statement of the Chief Internal Auditor is produced for the Committee at the end of the financial year. Based on the evidence of the reports presented to the Audit Working Group and the Committee, the team continues to provide an effective challenge and therefore assurance on the key risk activities.

The Committee also met with the Chief Internal Auditor in a private session during November 2024 and is satisfied Internal Audit are free to carry out their duties without restrictions.

The Committee approve the Internal Audit Charter on an annual basis, this was approved at the July 2024 meeting.

(As previously reported: A review of the effectiveness of internal audit was undertaken by the Monitoring Officer during Autumn 2023 and reported to the November 2023 committee meeting. This concluded a strong level of satisfaction about the nature and effectiveness of the service. An external assessment of internal audit was also completed (this is undertaken once every five years) which was reported to the January 2024 committee meeting. The results of the external assessment were that internal audit are fully compliant with Public Sector Internal Audit Standards, and there were no recommendations arising.)

External Audit

The Council's external auditors, Ernst and Young, attended committee meetings, providing regular updates on their work plan and any matters arising.

The Committee met with the external auditors in a private session in November 2024. The Committee is satisfied that they are free to carry out their duties without restrictions. The Committee are also assured that if identified, External Audit would bring any material issues to the attention of the Committee.

The statement of accounts for 2022/23 was published on 23 January 2024 following the resolution of the issues with the valuation of infrastructure assets. As a result of the delay, together with the wider requirements of the local audit reset the council's external auditors informed the council that they did not have the required resources available to complete the detailed audit procedures that would be needed to obtain sufficient appropriate audit evidence to issue an unmodified audit report. Therefore, the council has received a disclaimed opinion on the 2022/23 financial statements.

The 2023/24 accounts were published on 28 June 2024 and the external audit opinion was received in February 2025. Since it was not possible to have assurance over the brought forward balances from 2022/23 the council has received a disclaimed opinion on the 2023/24 accounts.

Governance & Risk Management

The Committee approved the Annual Governance Statement (AGS) for 2023/24. This included improvement actions for 2024/25, within the following areas: Directorate Schemes of Delegation, HR Policies, Constitution Review, Information Commissioner's expectations when handling freedom of information requests, Review of CCTV and alarm monitoring arrangements, Review of Members and Officers fiduciary responsibilities, Governance Training Sessions.

The Committee and AWG receives and considers updates from officers on key topics/areas of risk such as seeking assurance that robust risk management, governance and internal control processes are in place. Regular risk management updates are provided to the Committee.

The Committee also considered the annual report of the Monitoring Officer; the annual report of the Local Government and Social Care Ombudsman; the annual report of Health & Safety; and the Fire and Rescue Service Annual Statement of Assurance, and the annual report of Whistleblowing. There were no material issues or concerns arising.

Counter-Fraud

The Audit & Governance Committee receives annually the Counter Fraud Strategy and work plan. The Committee is regularly updated on progress on delivery of the work plan for counter fraud.

The Chief Internal Auditor provided regular updates to the Committee and the AWG on any reported matters of suspected fraud, including investigations. Outcomes of investigations are reported to and monitored by the Committee. The Committee plays a key role in monitoring the effectiveness of the Council's counter fraud arrangements.

The Committee received a report on Whistleblowing from the Monitoring Officer, that highlighted there have been few cases and where these have arisen, they have been investigated appropriately.

Audit & Governance Committee self-assessment 2023/2024

At the end of 2022, CIPFA (The Chartered Institute of Public Finance & Accountancy), issued updated guidelines and a position statement to local authority audit committees. As part of those guidelines it is recommended that the committee undertakes a regular self-assessment exercise against the recommended standards set out in the CIPFA 2022 guidelines. The Audit & Governance Committee met in February 2023 and completed the self-assessment of good practice, which included a review of core knowledge and skills.

As previously reported, the self-assessment exercise concluded that the committee has a high degree of performance against good practice principles, that it is soundly based and has in place knowledge membership. The committee complies with the CIPFA position statement 2022 and has fulfilled its terms of reference, and the key issues escalated during the year.

One of the key recommendations of the CIPFA 2022 guidance is that all audit committees within local authorities have two independent members. The Audit and Governance Committee had already identified this as a required action. A recruitment exercise was conducted in 2024; however, the Council was unable to fill the roles. A further recruitment exercise is planned for early 2025. The Committee already has one independent member who has a well-developed knowledge of how the Council operates.

AUDIT and GOVERNANCE COMMITTEE 12 March 2025

INTERNAL AUDIT 2024/25 PROGRESS REPORT

Report by the Executive Director of Resources and Section 151 Officer

RECOMMENDATION

1. The Committee is RECOMMENDED to

Note the progress with the 2024/25 Internal Audit Plan and the outcome of the completed audits.

Executive Summary

2. This report provides an update on the Internal Audit Service, including resources, completed and planned audits.
3. The report includes the Executive Summaries from the individual Internal Audit reports finalised since the last report to the January 2025 Committee. Since the last update, there have been no red reports issued.

Progress Report:

Resources:

4. A full update on resources was made to the Audit and Governance Committee in May 2024 as part of the Internal Audit Strategy and Plan for 2023/24, and further updates made to the September 2024 and January 2025 meetings. Since then we have received approval for a new post of Principal Auditor, and we are currently advertising the post. One member of the team remains on long term sickness absence, we are managing the impact of this on delivery of the remainder of the plan and we are reallocating/prioritising work within the team, any further changes to the plan due to this will be reported within our next update.

2024/25 Internal Audit Plan:

5. The 2024/25 Internal Audit Plan, which was agreed at the May 2024 Audit & Governance Committee, is attached as Appendix 1 to this report. This shows current progress with each audit and any amendments made to the plan. The plan and plan progress is reviewed regularly with senior management. For 2024/25 there have been nine amendments to the plan (four additions and five audits deferred until the 2025/26 plan). Eight plan changes were reported to the January 2025 Audit & Governance Committee meeting. A further change since then is included in appendix 1.
6. There have been 6 audits concluded since the last update in January 2025, summaries of findings and current status of management actions are detailed in Appendix 2. The completed audits are as follows:

Final Reports 2024/25:

Directorate	Audit	Opinion
Resources – IT / Cross Cutting	Artificial Intelligence	Amber
Resources – IT / Cross Cutting	Data Management and Utilisation	Amber
Cross Cutting	Travel Mileage	Amber
Cross cutting / Law & Governance	Conflicts of Interest & Gifts and Hospitality	Amber
Cross cutting	Transformation - Programmes & Major Projects.	Amber
Cross Cutting	Follow Up Audit	N/A

PERFORMANCE

6. The following performance indicators are monitored on a monthly basis.

Performance Measure	Target	% Performance Achieved for 24/25 audits (as at 17/02/25)	Comments
Elapsed time between start of the audit (opening meeting) and Exit Meeting.	Target date agreed for each assignment by the Audit manager, stated on Terms of Reference, but	68%	Previously reported year-end figures: 2023/24 67% 2022/23 71% 2021/22 59%

	should be no more than 3 X the total audit assignment days (excepting annual leave etc)		
Elapsed Time for completion of audit work (exit meeting) to issue of draft report.	15 days	82%	Previously reported year-end figures: 2023/24 96% 2022/23 89% 2021/22 86%
Elapsed Time between receipt of management responses to draft report and issue of final report.	10 days	100%	Previously reported year-end figures: 2023/24 100% 2022/23 92% 2021/22 66%

The other performance indicators are:

- % of 2024/25 planned audit activity completed by 30 April 2025 - reported at year end.
- % of management actions implemented (as at 17/02/2025) – 77% of actions have been implemented. Of the remaining 23% there are 2.1% of actions that are overdue, 16.8% partially implemented and 4.1% of actions not yet due.

(At January 2025 A&G Committee the figures reported were 73% implemented, 3.7% overdue, 18.5% partially implemented and 4.8% not yet due)

- Extended Management Team satisfaction with internal audit work - reported at year end.

Appendix 3

The table in Appendix 3 lists all audits with outstanding open actions, it does not include audits where full implementation has been reported. It shows the split between Priority 1 and Priority 2 actions implemented.

As at 17/02/25, there were 27 actions that are not yet due for implementation (this includes actions where target dates have been moved by the officers responsible), 13 actions not implemented and overdue and 103 actions where partial implementation is reported.

Counter-Fraud

7. A separate counter fraud update is being made to Audit & Governance Committee March 2025 meeting.

Financial Implications

8. There are no direct financial implications arising from this report

Comments checked by: Lorna Baxter, Executive Director of Resources,
lorna.baxter@oxfordshire.gov.uk

Legal Implications

9. There are no direct legal implications arising from this report.

Kim Sawyer, Interim Head of Legal and Governance,
kim.sawyer@oxfordshire.gov.uk

Staff Implications

10. There are no direct staff implications arising from this report.

Equality & Inclusion Implications

11. There are no direct equality and inclusion implications arising from this report.

Sustainability Implications

12. There are no direct sustainability implications arising from this report.

Risk Management

13. There are no direct risk management implications arising from this report.

Lorna Baxter, Executive Director of Resources and S151 Officer

Annex:	Appendix 1: 2024/25 Internal Audit Plan progress report
	Appendix 2: Executive Summaries of finalised audits since last report.
	Appendix 3: Summary of open management actions.

Background papers: Nil

Contact Officers: Sarah Cox, Chief Internal Auditor
sarah.cox@oxfordshire.gov.uk

March 2025

APPENDIX 1 - 2024/25 INTERNAL AUDIT PLAN - PROGRESS REPORT

Directorate / Service Area	Audit	Planned Qtr Start	Status as at 28/02/25	Conclusion
Cross Cutting	Transformation - Programmes & Major Projects.	3 / 4	Final Report	Amber
Cross Cutting / Resources – Finance & Procurement	Strategic Contract Management	1 / 2	Final Report	Amber
Cross Cutting / Resources – Finance & Procurement	Social Value Policy	1	Final Report	Amber
Cross cutting / Law & Governance	Conflicts of Interest & Gifts and Hospitality	2	Final Report	Amber
Cross Cutting	Joint Internal Audit & Counter Fraud proactive review – Travel Mileage	1 / 2	Final Report	Amber
Cross Cutting / Resources – Finance & Procurement	Delivery of Savings & Investments	2	Fieldwork	
Cross Cutting	Follow Up – 2023/24 audits (Addition to plan)	3 / 4	Final Report	n/a
Childrens	Independent Reviewing Officer	1 / 2	Draft Report	Amber
Childrens	Transformation Programme – including Financial Management	Deferred until 25/26 plan	n/a	n/a
Childrens	Direct Payments	1 / 2	Final Report	Amber
Childrens	Supported Families	Ongoing	Ongoing	n/a
Childrens & Resources – IT	EYES & LIFT - IT Application Review	2	Final Report	Amber
Childrens	Primary School 1	1	Final Report	Amber
Childrens	Multiply Grant (Addition to plan)	1	Final Report	n/a

Childrens	Education Health Care Plan Top ups (Addition to plan)	3	Fieldwork	
Adults	Client Charging	3 / 4	Fieldwork	
Adults	Void Management	3	Fieldwork	
Adults	Discharge to Assess	Deferred until 25/26 plan	n/a	n/a
Resources – Property, Investment & Facilities Management	Property Strategy Implementation	1	Final Report	Green
Resources – Property, Investment & Facilities Management / Cross Cutting	Utilities Management	3 / 4	Fieldwork	
Resources – Workforce & OD	Recruitment – Applicant Tracking System	Deferred until 25/26 plan	n/a	n/a
Resources – Workforce & OD	Mandatory Training	2	Fieldwork	
Resources – Workforce & OD	Retention – Employee Feedback	3 / 4	Fieldwork	
Resources – Finance & Procurement	Pensions Administration	4	Fieldwork	
Resources – Finance & Procurement / Childrens – Education	Schools S151 Assurance	3	Draft Report	Amber
Resources - IT	Identity and Access Management	3	Final Report	Amber
Resources – IT / Cross Cutting	Artificial Intelligence	4	Final Report	Amber
Resources – IT	Cyber Security	3	Final Report	Green

Resources – IT / Cross Cutting	Data Management and Utilisation	4	Final Report	Amber
Resources – IT	Corporate Website	2	Final Report	Amber
Customers & Cultural Services	Library System – IT Application review	1	Final Report	Amber
Environment & Highways	Highways (new contract mobilisation)	3	Final Report	Green
Environment & Highways	Income Collection & Parking Account	1 / 2	Final Report	Amber
Economy & Place	S106 – New IT System	Deferred until 25/26 plan	n/a	n/a
Environment & Highways	HIF1 (Didcot Garden Town Housing Infrastructure Fund)	Deferred until 25/26 plan	n/a	n/a
Environment & Highways / Economy and Place	Planning Application Appeals (Addition to plan)	4	Fieldwork	
Grant Certification				
Local Authority Delivery Grant, Phase 3 (LAD3),				
Local Transport Capital Block Funding grant for 2023/24, no 31/6680 and 31/6681				
Local Authority Bus Subsidy (Revenue) Grant, 2023/24, 31/6909				
Disabled Facilities Grant 2023/24, initial grant allocation (grant determination reference 31/6672) and additional allocation (grant determination 31/6833).				

Amendments to Internal Audit Plan (since last report to A&G January 2025 meeting):

Adults – Discharge to Assess (D2A)	<i>Deferred to 2025/26 plan.</i> A new Discharge to Assess programme has been implemented to change the process and speed at which patients are offered social care support after a stay in hospital, enabling them to leave hospital sooner and recover safely in their home. The audit planned to review the processes/discharge pathways in place, including how performance and outcomes are monitored and reported on. The planned introduction of new LAS processes was delayed until March 2025 so it was agreed with the Executive Director of Resources and Director for Adults that the audit will be deferred until the 2025/26 internal audit plan to provide assurance on the effectiveness of the new processes once implemented.
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APPENDIX 2 - EXECUTIVE SUMMARIES OF COMPLETED AUDITS

Summary of Completed Audits since last reported to Audit & Governance Committee January 2025

Artificial Intelligence Review 2024/25

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
Senior Management Awareness	A	0	1
Corporate Framework	R	0	5
AI Inventory	A	0	2
Information Compliance	A	0	3
AI Security	A	0	2
		0	13

Opinion: Amber	
Total: 13	Priority 1 = 0 Priority 2 = 13
Current Status:	
Implemented	0
Due not yet Actioned	0
Partially Complete	0
Not yet Due	13

Artificial Intelligence (AI) can take many different forms and includes ‘machine learning’, where systems learn from historical data, ‘deep learning’, where machine learning models mimic human functions and Generative AI (GenAI) where deep learning models create content. Local government and other parts of the public sector are increasingly looking to AI to drive efficiencies, improve service delivery and reduce costs. OCC is at a relatively early stage in their AI journey and the first major implementation of the technology is Microsoft Copilot, which is an AI powered virtual assistant. Other AI systems are being used or reviewed by service areas. An AI Programme Board has been established to oversee the rollout of Microsoft Copilot, and its brief has recently been extended to develop a governance structure for reviewing and implementing new AI systems across the organisation. The audit has identified a number of risks which should be addressed as part of the new AI governance structure.

Senior Management Awareness:

The Strategic Leadership Team (SLT) were given a presentation on Microsoft Copilot as part of the approval process for rolling it out. The presentation was limited to Copilot and did not include wider details on the different types of AI, how it can be used to transform services and, more importantly, the risks it presents and how they will be managed. Whilst SLT members will have a broad understanding of AI from all the recent media attention it has received, it is important they understand the underlying concepts and issues to ensure informed decisions are made about how and where the technology is used.

Corporate Framework:

A Strategic AI Programme Board has been established for Microsoft Copilot and its brief has been extended to look at AI across the organisation and to put in place a new governance structure. The Head of IT is the Senior Responsible Officer (SRO) for the Strategic AI Programme Board and corporate accountability for AI sits with the Director of Transformation, Digital and Customer Experience. Currently, there is no formal AI strategy, policy, user guidelines for GenAI or procedure for carrying out a risk assessment of new AI systems. This presents a number of risks over the governance of AI which should be addressed.

AI Inventory:

A survey of service areas has recently been carried out to identify AI systems being used or trialled across the Council and an inventory of such systems has been developed. A review of the survey found that not all areas responded to the request for information and hence the inventory may not be a complete and accurate record of all the AI systems in use. The AI inventory includes details on what the AI does, benefits, main point of contact, data used, product name etc but does not classify each AI system into a risk category to support effective governance and oversight. Roles and responsibilities for managing and maintaining the inventory are not assigned and it was noted that some of the contact details for AI systems are out-of-date.

Information Compliance:

Information Services perform Data Protection Impact Assessments (DPIA's) for new AI systems to ensure compliance with UK GDPR requirements in regard to the processing of personal data. Copies of DPIA's were not made available during the audit for us to confirm they have been completed, signed-off and cover all relevant areas. Similarly it was not possible to confirm that, where relevant, privacy notices have been updated for new AI systems. The current limited use of AI means that issues around fairness, bias and discrimination have not required any attention. However, as new AI initiatives are explored and its use extended, procedures are required to review and test AI systems for these areas. Responsibility for ensuring that AI is used ethically should also be formally assigned as part of the new AI governance structure.

AI Security:

The ITID Technical Design Authority (TDA), which includes the cyber lead, review and assess proposals for new AI initiatives and it was confirmed they formally signed-off the introduction of Microsoft Copilot. ITID have a

documented set of technical requirements for new technology procurements, but they do not cover AI systems. The requirements should be updated for AI to formalise the approach to evaluating the security and compliance of such systems. Data Loss Prevention (DLP) policies are setup for GenAI but they are not consistently applied across different platforms. For example, the transmission of personal/sensitive data is blocked on ChatGPT, which is a popular GenAI platform, but not on other platforms where there is only alerting of policy violations.

Data Management and Utilisation Review 2024/25

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
Data Strategy	A	0	3
Corporate Structure	A	0	3
Data Inventory	A	0	2
Management Information	A	0	2
		0	10

Opinion: Amber	
Total: 10	Priority 1 = 0 Priority 2 = 10
Current Status:	
Implemented	0
Due not yet Actioned	0
Partially Complete	0
Not yet Due	10

Data is collected and processed across the Council and the majority of it resides in corporate databases. The aim of data management is to optimise the use of data, within the bounds of policy and regulation, to increase management information, support decision making and the delivery of services. The historical siloed approach to data management is being unified with the development of a new corporate Data Strategy and governance framework, which is being implemented by the Business Intelligence Transformation Programme. The programme consists of a number of projects which will seek to address many of the risks identified by this review.

Data Strategy:

A formal Data Strategy is being developed for the period 2025-2028. A draft version has been circulated for comments, and it is anticipated that it will be finalised quickly. A review of the strategy found it includes outputs and outcomes but there is no implementation plan showing timescales, priorities or in the case of outcomes, how they will be achieved. A Business Intelligence Programme Board was established in 2024, and its brief includes overseeing the implementation of the data strategy. The strategy's implementation plan should link to the Board's delivery plan so there is clear cohesion between the two. There is no documented policy on data management defining standards and requirements and the data held in databases, such as adult's social care and children's social care, is not being purged in line with corporate retention schedules. This presents a risk of breaching the storage limitation principle of UK GDPR.

Corporate Structure:

There is a Head of Data role who leads a data function that reports to the Director of Transformation, Digital and Customer Experience. Wider roles and responsibilities for data management at a service level, such as data owners, have yet to be agreed. A governance structure for data management is not in place to ensure that corporate policies, procedures and standards are adhered to within service areas. The Head of Data sits on a number of Programme Boards but is not currently a member of the Information Governance Group (IGG). Attendance at IGG will help ensure that data management initiatives align with information governance requirements.

Data Inventory:

There is no data inventory and hence a risk there are no formal records of the datasets held at OCC, where they are located, who has access and how they are being used. Information Asset Registers exist but they are not deemed to contain sufficient details on the underlying data. A data maturity assessment was undertaken in 2023 and 2024 and is currently being re-performed using the Local Government Data Maturity Assessment tool. An initial data maturity score has been obtained and one of the objectives of the Business Intelligence Transformation Programme is to improve this over the next three years. There are plans to perform annual data maturity assessments to assess the progress being made in achieving the objective.

Management Information:

Power BI is the enterprise tool used for analysing and modelling data and for creating interactive reports and dashboards. There are over 100 users with access to Power BI across the organisation, many of whom only need 'view' access but because of the type of license they have, can build dashboards and reports. This presents a risk that users create and share reports that are not approved or quality controlled and hence a review of Power BI licenses should be undertaken. There are no corporate standards or guidelines for using Power BI or a repository of dashboards and reports so that users do not spend time and effort creating something that already exists.

Proactive Review – Travel Mileage 2024/25

Overall conclusion on the system of internal control being maintained	A
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Opinion: Amber	
Total: 6	Priority 1 = 0 Priority 2 = 6
Current Status:	
Implemented	0
Due not yet Actioned	0
Partially Complete	0
Not yet Due	6

To support employees in fulfilling their job responsibilities, Oxfordshire County Council operates a system for the reimbursement of travel expenses, including mileage from the use of a personal vehicle. Mileage claims are processed through the employee self-service (ESS) tool, operated by the Integrated Business Centre (IBC).

The ESS tool allows mileage claims to be paid to the employee in their next pay slip without the need for direct manager approval. Line managers are responsible for reviewing mileage claims submitted by their direct reports and are able to access reporting on expenses via the IBC's Travel and Expenses report.

From review of a targeted sample of mileage claims, we have confirmed that the majority of the journeys tested were legitimate, with mileage correctly calculated with exception of issues noted with the incorrect inclusion of commuting mileage in some cases. There is currently no corporate assurance or oversight mechanism in place which can monitor or identify this.

The audit noted positive improvements in the work undertaken between Hampshire IBC and the Deputy Chief Accountant in ensuring that any errors identified in relation to vehicle details are resolved promptly. This ensures that VAT can be reclaimed by the Council correctly.

Key Findings

Receipt Retention – The Travel Expenses Manual states that employees should retain fuel receipts to cover mileage claimed. Sample testing completed as part of this audit noted non-compliance with this requirement, with staff unable to produce receipts for 68% of the claims tested. During the course of the audit, further discussions were held between Internal Audit, HR and the IBC over the reasoning behind fuel receipt retention and the need for this going forward. Whilst historically, it was understood that fuel receipt retention was an HMRC requirement, it was reported by the IBC that fuel receipts are no longer required as evidence by HMRC for VAT purposes. Instead, the necessary information is recorded as part of the process of claiming mileage and so can be provided from the IBC system. Further discussion is needed with External Audit to ensure that the information and evidence they require to support mileage claims can be met, but it appears that the retention of fuel receipts is no longer

necessary. There is a need for a formal decision to be made on fuel receipt retention requirements going forward and for this to be communicated to staff.

Deduction of Home to Work Mileage – When staff submit mileage claims, commuting distance must be removed as this is subject to tax and NI, whereas additional mileage travelled is not. The Travel Expenses Manual states that commuting distance (distance to and from home and the employees assigned office base) must be removed from their journey before they make a mileage claim. Sample testing noted that in 18 instances of the sample tested had not removed this distance from their journey. For an additional 9 instances, it was not possible to determine that this distance had been removed. At present, although it is the responsibility of line managers to review and ensure that these requirements are being adhered to, there is no mechanism which provides corporate assurance or oversight over the accuracy of mileage claims being submitted. A decision is being made on whether to implement a system driven compliance checker which would require, for a random monthly sample of expenses including mileage claims, line managers to provide positive confirmation that they have reviewed and confirmed the accuracy of the claims sampled. The implementation of the compliance checker would provide some level of assurance that management review is taking place, as well as acting as a prompt for managers to undertake these checks routinely.

Alternative Arrangements for Mileage Claims– Examples were identified where some service areas have alternative arrangements from the corporate approach to claiming of mileage. Whilst HR confirmed that there were formally agreed exceptions in place for teams identified within two services, it has not yet been possible to confirm that formal approval is in place for the alternative arrangements in place within the third service identified. These arrangements are reported to have originally agreed in 2015, and pre-date any of the current senior management / HR staff being in post.

Conflicts of Interest & Gifts and Hospitality 2024/25

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
Governance	A	0	2
Compliance	A	0	8
Oversight	A	0	2
		0	12

Opinion: Amber	
Total: 12	Priority 1 = 0 Priority 2 = 12
Current Status:	
Implemented	1
Due not yet Actioned	0
Partially Complete	0
Not yet Due	11

The Council holds a Conflicts of Interest Policy (known as the Declaring and Registering Interests Policy) and a Gifts & Hospitality Policy, that set out how staff should declare and manage conflicts of interest and offers of gifts or hospitality that arise during their work for the Council. The policies are overseen by the Governance Team, who also hold responsibility for registering declarations centrally.

A conflict of interest arises when there is a risk that an individual's ability to perform their job role may be influenced by a secondary interest. While such conflicts are expected to occur for Council employees, it is important that they are managed effectively to avoid actual or potential conflicts. Similarly, it is recognised that as a result of delivering services to the public and building relationships with private and community groups, officers may occasionally be offered gifts and hospitality. Failure to address these appropriately can result in allegations of fraud, bribery, or corruption, undermining public confidence in the integrity of the Council.

A: Governance

Prior to this audit, it had been identified by the service that a review of the two policies was overdue (with policies noting a planned review date of 2017). As such, revised versions drafted by Governance and approved by the Monitoring Officer were published on the intranet in October and November 2024. Both policies introduce comprehensive updates to the wording of the policies and introduce new requirements for staff and managers to adhere to. The audit has identified that while the updated policies have improved the strength of the controls, additional focus is required in specific areas to ensure that the requirements of the policies are complied with accurately and consistently.

Communication to staff of the update to the Conflicts of Interest Policy was achieved through an intranet news headline and to managers within a Managers Briefing. The Governance Team are now in the process of planning communications around the updated Gifts & Hospitality Policy, as well as routine communications to staff to remind them of the policies and their responsibilities in this area.

Separate guidance for both areas was found for schools within the Financial Manual of Guidance (FMG), which was last updated in 2017. Schools adopt this guidance directly; however, the guidance was found to contain out of date information and less clarity than the Council's recently revised versions of these policies. It was also noted that the FMG does not directly require schools to maintain a register of gifts and hospitality, instead stating that consideration should be given to holding such a register.

B: Compliance

The Governance Team holds responsibility for processing new declarations of interest and offers of gifts/hospitality, and records approved declarations on centralised registers. Outside of the centralised registers, audit testing found one localised Gifts & Hospitality Register held by a service. This register contained inconsistencies with the centralised register, with 48 of the 50 offers listed (from 2017 to September 2024) not recorded in the centralised register, and therefore not reviewed by the Governance Team. While it was previously accepted that services may hold their own registers, it is now the expectation of the Monitoring Officer that all declarations must be made to Governance for the centralised registers.

The results of the National Fraud Initiative exercises for 2020/21 and 2022/23 uncovered 4 previously undeclared interests relating to an employee (or their relative) holding a company directorship position with a supplier to the Council. These matches were reviewed during the exercises and were assessed as representing a potential conflict. The interests were subsequently declared, and no further actions were required.

With regard to schools, 13 out of a sample of 17 were found to hold registers for both governors and staff, one held only a register for staff (not governors), and one held a register for governors (not staff). The remaining two schools were unable to provide either. Ten schools were able to evidence a register of gifts and hospitality, although this is not a direct requirement of the FMG.

Previously, employees joining the Council were required to declare interests relevant to their role. The recent update to the policy now includes the requirement for new starters to complete a nil declaration if they have no interests to declare, which must be uploaded to the employee's personnel file. While this is documented within the policy, it was found that there is no further reminder to managers throughout the induction process, creating the risk that it is overlooked.

The audit noted that while new starters are now required to complete a nil declaration, there is currently no requirement for staff already in employment at the Council to do so on an ongoing basis, the addition of which could promote further transparency and accountability around the management of identified conflicts.

Inconsistencies in reporting were found in regard to personal relationships and secondary employments. A review of the Conflicts of Interest Register identifying nine entries relating to a personal relationship in which a corresponding entry for the other side of the relationship was not recorded. An instance of secondary employment was also found to have not been reported to the Monitoring Officer, despite the secondary employment form having been completed and sent to HR. The planned introduction of a personal relationship risk assessment, and amendments to the secondary employment form, should facilitate improved compliance in this area.

C: Oversight

The Governance Team holds the overall responsibility for maintaining the centralised Conflicts of Interests Register and the Gifts & Hospitality Register.

Copies of the registers were provided during audit testing, showing declarations from 2014 to October 2024. It was observed that there was a notable increase in the number of declarations made from 2023 onwards.

The audit noted that at the time of testing, there were limited mechanisms in place for the oversight and monitoring of both registers. While Governance reported that they will review declarations and resolve any necessary concerns at the point that a declaration is received, it was reported that their expectation is that the service will carry out reviews of existing declarations as necessary.

However, it was found from a review and follow-up of the responses to the Annual Governance Statement 2023/24 that only one service leadership team was reviewing the relevant declarations in the Gifts & Hospitality Register quarterly. Two other services who previously reported that they were conducting quarterly reviews, confirmed that this was not happening in practice. All services confirmed this would be carried out quarterly going forward. At present, there is no similar requirement for Directors to review the conflicts of interest recorded for their service.

Transformation - Programmes & Major Projects 2024/25

Overall conclusion on the system of internal control being maintained	A
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RISK AREAS	AREA CONCLUSION	No of Priority 1 Management Actions	No of Priority 2 Management Actions
A: Governance	A	0	5
B: Project & Programme Management	A	0	7
		0	12

Opinion: Amber	
Total: 12	Priority 1 = 0 Priority 2 = 12
Current Status:	
Implemented	0
Due not yet Actioned	0
Partially Complete	0
Not yet Due	12

In 2021 the Council launched its Delivering the Future Together programme to help manage organisational change. Following on from this, a new phase to deliver transformational change has been introduced, to help achieve the Council's ambition of being an employer, partner, and place shaper of choice. To enable appropriate oversight of this activity, new governance arrangements were established in October 2023, including a Strategic Transformation Board

and a Transformation Delivery Board, supported by a Transformation Programme Management Office (PMO).

The audit found the governance structure to be operating effectively, providing senior management and stakeholders with sufficient oversight of both the delivery of the Transformation Portfolio and, where necessary, awareness and decision making around arising issues and concerns. At an operational level, programmes and projects were found to be managed effectively, although areas for improvement were noted around risk management and benefits tracking. Inconsistencies in practice were also noted across the different programmes and projects sampled. It is positive to note that for a number of these weaknesses identified, action is already underway by the PMO to improve such processes.

Governance

A review of guidance available to staff found a comprehensive PMO Handbook is in place, setting out processes and responsibilities for staff involved in the delivery of Transformation. It was noted this has not been subject to a formal review since its introduction in November 2023, with audit testing finding areas of the guidance which are no longer up to date or are not happening in practice.

When reviewing the governance structure and each Board's roles and responsibilities, it was noted that the majority of Terms of Reference documents were undated and had not been subject to routine review. For those that were dated, a review had not been completed within the 3–6-month timeframe set out in the Handbook. It is recognised that these documents have been subject to review during the course of the audit and are due to be finalised shortly.

Further review of governance arrangements found that Programme Board meeting minutes are not being recorded consistently across the Portfolio, and, across all Boards, minutes do not clearly document where an attendee is a substitute for, and making decisions of behalf of, a regular Board member.

In terms of engagement with all Council staff and communication around the objectives and progress of Transformation, it was positive to note the steps being taken by the PMO to ensure this is facilitated, including a dedicated Sharepoint site covering 'all things Transformation', regular Viva Engage posts, and, more recently, Transformation Pop Up Events in Council offices.

Project & Programme Management

The audit reviewed a sample of three programmes, and, for each, three underlying projects, to confirm the adequacy of project / programme management arrangements. Each programme was found to have a dedicated Senior Responsible Officer (SRO), established Programme Board, and relevant programme documents, with a clear vision and understanding of the intended goals. However, when comparing arrangements across the three programmes (and associated projects), various inconsistencies were noted, including the use of templates (specifically around project initiation and closedown), and the programme and project workbooks, with some programmes keeping records outside of the workbooks. It is acknowledged that the planned introduction of a Project Management (PPM) system will help to address the inconsistencies identified.

Weaknesses were also noted across all programmes within Transformation in the documenting, tracking, updating, and monitoring of risks, benefits, and dependencies. Key information in relation to these was found to be omitted from records, including 14% of identified risks not having an assigned risk owner; 84% of risks either having no or a passed target resolution date; and 85% of identified non-financial benefits not containing a target or a baseline. For the three programmes sampled, there was no routine process in place for the review and update of these logs, with one instance identified in which a risk that was no longer relevant was still being reported to the Strategic Transformation Board as a Red risk.

It is noted that benefits tracking has already been identified as an area for improvement by the PMO, with a new Benefits Strategy due to be finalised and rolled out shortly.

It is also recognised that a comprehensive PowerBI dashboard has been built to provide the PMO, Delivery Board, and Strategic Transformation Board, with oversight of each programme and project's performance, including milestones, finances, risks and benefits. While this continues to be refined and developed, it highlights the importance of consistent use of the workbooks, which are used as the source data for the dashboard. Where records are kept outside of the workbooks (such as one programme's benefits tracking log), they will not be included within the dashboard, misrepresenting the programme or project's performance.

At the time of the audit, there was no formal process in place for the identification, consideration, and review of lessons learned, with the process stated in the PMO Handbook not happening in practice and inconsistent approaches found during sample testing. A new process has since been implemented by the PMO. This will be monitored going forward to ensure lessons learned are logged consistently and shared accordingly

Follow Up Audit 2024/25

A follow up audit was included as part of the 2024/25 internal audit plan. Five audits from 2023/24 were selected for follow up. These were Legal Case Management (Red), Innovation Hub Governance and Project Management (Amber), Property Health and Safety (Amber), Childrens Placements – Quality Assurance and Contract Management (Amber), Purchasing Cards (Amber).

The audit reviewed the reported implementation progress of the agreed actions and tested a sample of actions from each audit to ensure that where reported as implemented, implementation has been effective and new controls / processes are working as intended. The follow up audit identified good progress had been made with the implementation of the agreed actions for each of the audits within the sample. Where actions were open and overdue, reasons for any delays and the appropriateness of these was considered. A very minor number of actions were found to not have been fully implemented, these were reported back to the individual service areas.

APPENDIX 3 – As at 17/02/2025 - all audits with outstanding open actions
(excludes audits where full implementation reported):

	ACTIONS						Not Due for Implementation	Not Implemented	Partially Implemented
	P1 & P2 Actions			IMPLEMENTED					
Report Title	1	2	Total	1	2	Total			
OCC Adults Income and Debt 23/24	1	6	7	1	5	6	-	-	1
OCC Adults Safeguarding 23/24	-	5	5	-	3	3	-	-	2
OCC Business Cont 23/24	2	17	19	1	16	17	-	2	-
OCC Childrens DP 24/25	-	35	35	-	6	6	20	2	7
OCC Childrens Finances 22/23	-	12	12	-	9	9	-	-	3
OCC Childrens Placements CM & QA 23/24	-	17	17	-	16	16	-	-	1
OCC Climate Audit 22/23	5	12	17	5	9	14	-	1	2
OCC Controcc Payments 21/22	-	9	9	-	7	7	-	2	-
OCC Corporate Website 24/25	-	8	8	-	5	5	1	-	2
OCC Cyber Security 24/25	-	4	4	-	2	2	-	-	2
OCC Educ IT System – processes 22/23	-	5	5	-	3	3	-	-	2
OCC EYES & LIFTS IT Application 24/25	-	8	8	-	5	5	2	-	1
OCC Expenses 23/24	-	14	14	-	13	13	-	-	1
OCC Feeder Systems 23/24	-	4	4	-	1	1	-	-	3
OCC Fleet Mgmt Compliance 21/22	-	5	5	-	4	4	-	-	1
OCC FM Follow up 22/23	-	13	13	-	11	11	-	-	2
OCC Gartan Payroll 21/22	1	34	35	1	31	32	-	-	3
OCC Health Payments 23/24	1	7	8	1	5	6	-	-	2
OCC Highways Contract 24/25	-	2	2	-	-	-	2	-	-
OCC Identity and Access Mgmt 24/25	-	11	11	-	2	2	-	1	8
OCC LAS IT Application 22/23	-	9	9	-	8	8	-	-	1
OCC Leases 22/23	-	10	10	-	8	8	-	-	2
OCC Local Transport Plan 23/24	1	8	9	1	6	7	-	-	2
OCC M365 Cloud 22/23	-	11	11	-	10	10	-	-	1
OCC Multiply 24/25	-	3	3	-	-	-	-	3	-

OCC New Hinksey School 23/24	2	23	25	2	21	23	-	2	-
OCC P Cards 23/24	1	20	21	1	18	19	-	-	2
OCC Payments to Providers 23/24	2	7	9	1	7	8	-	-	1
OCC Physical Security Systems 23/24	1	13	14	1	11	12	-	-	2
OCC Property Health and Safety 23/24	2	28	30	1	23	24	1	-	5
OCC Property Strategy Implementation 24/25	-	1	1	-	-	-	-	-	1
OCC Provision Cycle 21/22	-	19	19	-	18	18	-	-	1
OCC Risk Management 20/21	-	14	14	-	13	13	-	-	1
OCC Risk Mgmt 23/24	-	8	8	-	5	5	-	-	3
OCC S106 21/22	-	6	6	-	1	1	-	-	5
OCC S106 IT System 23/24	-	6	6	-	2	2	-	-	4
OCC SEND 20/21	14	27	41	14	26	40	-	-	1
OCC Strategic Contract Mgmt 24/25	2	10	12	-	1	1	-	-	11
OCC Street Works & Parking Income 24/25	-	11	11	-	-	-	1	-	10
OCC Supported Transport 23/24	6	9	15	6	7	13	-	-	2
OCC YPSA 22/23	1	18	19	1	15	16	-	-	3
Purchasing (inc Acc Payable) 17/18	1	9	10	1	8	9	-	-	1
Samuelson House 18/19	-	5	5	-	4	4	-	-	1
TOTAL	43	503	546	38	365	403	27	13	103

AUDIT AND GOVERNANCE COMMITTEE – 12 March 2025

Policy on Councillor Training and Development

Report by Director of Law and Governance and Monitoring Officer

RECOMMENDATION

1. **The Audit and Governance Committee is RECOMMENDED to**
 - a) Review the Policy on Councillor Training and Development in Annex 1;
 - b) Agree to consider the Policy at the Audit & Governance Committee's next meeting in June following consultation with the Member Reference Group on the categorisation of training included in Table 1.

Executive Summary

2. It is proposed to adopt a policy to set out the purpose, principles and expectations of councillor induction, training and development.
3. The policy also specifies which training will be compulsory for all councillors and which will be compulsory only for councillors in certain roles.

Background

4. The Council has provided comprehensive induction training following each election which is available to newly elected councillors and re-elected councillors.
5. Induction training is also offered to those elected in bye-elections on an individual basis.
6. Specialist training is also provided to councillors who are nominated to specific committees. In some cases, the training is considered to be compulsory for participation in that committee.
7. The Constitution currently stipulates that councillors "Shall undertake Code of Conduct training as required by the local authority" in Part 9.1 Members Code of Conduct Section 6.8.1. All councils are required to maintain high standards of conduct with members having individual responsibility to register and declare certain interests and uphold the Council's ethical framework.

8. Part 3.1 Council Procedure Rules (Section 4.2) states that “Substitute members may attend meetings only: (iv) subject to any training requirements specified by the Monitoring Officer”.
9. Part 8.4 Officer Employment Rules section 11 on training specifies “All officers and members who take part in the recruitment process must have completed the Council's recruitment and selection training or be trained to the satisfaction of the Director of HR and Cultural Change.”
10. Part 9.5 Members’ Planning Code of Practice includes the advice “DON’T participate in decision making at meetings dealing with planning matters if you have not attended any mandatory planning training prescribed by the Council.”
11. The Pension Fund Committee at its meeting on 13 December 2025 agreed minimum training requirements for members of the committee and for substitutes.

Policy

12. The proposed policy brings together the various training requirements and specifies clearly what training is compulsory and for whom.
13. The policy clearly sets out the purpose of training and the principles that will underpin its provision.
14. The policy will inform councillors and officers of the Council expectations in this regard. It will help councillors to judge the level of commitment required for certain roles.
15. Officers are currently planning the induction programme to follow the election in May 2025. Part of that process is to consult with a newly formed Member Reference Group. The Audit Committee is asked to review the list of training provision in Table 1 to confirm that this is appropriate for consultation with the Member Reference Group. Subject to consultation, the Policy will be brought back to Audit Committee in June 2025 for approval.

Financial Implications

16. The proposed training programme does not add to the training already provided by the Council. The programme can be delivered within current resources.

Comments checked by:

Drew Hodgson
Strategic Finance Business Partner
Drew.Hodgson@oxfordshire.gov.uk

Legal Implications

17. Promoting high standards of conduct through member training and development is a non-executive function (section 27(8) Localism Act 2011). This means that it is the responsibility of the whole Council. Under the Council's Constitution the Audit Committee is delegated responsibility by the Council monitor governance arrangements to ensure compliance with best practice and to provide assurance on the effectiveness of those arrangements (Constitution Part 5.1A).
18. The Localism Act 2011 placed a duty on the Council to promote and maintain high standards of conduct by members and co-opted members of the Council. A member training policy relating to the Code of Conduct and other matters where the Council exercises decision making functions is evidence of the Council fulfilling that statutory requirement.
19. In ([*Dennehy, R \(on the application of\) v London Borough of Ealing \[2013\]*](#)) it was stated the intention of the legislation is to ensure the conduct of public life within local government does not fall below a minimum level which engenders public confidence in democracy whilst at the same time bearing in mind the importance of freedom of political expression or speech in the political sphere. Good member training therefore has a strong public interest element.

Comments checked by:

Kim Sawyer, Interim Head of Legal and Governance (Legal)
Kim.sawyer@oxfordshire.gov.uk

Staff Implications

20. The proposed training programme does not add to the training already provided by the Council. The programme can be delivered within current resources.

Equality & Inclusion Implications

21. The provision of training in general enables councillors to become involved in any area of Council business that interests them and therefore aids equality and inclusion.

Sustainability Implications

22. The policy commits to providing online training, as well as in-person, which will give councillors the ability to avoid travel and receive training material electronically rather than printed on paper.

Anita Bradley

Director of Law & Governance and Monitoring Officer

Annex: Annex 1 – the proposed Policy on Councillor Training and Development.

Contact Officer: Colm Ó Caomhánaigh, Democratic Services Manager,
colm.ocaomhanaigh@oxfordshire.gov.uk

March 2025

Policy on Councillor Training and Development

Purpose

1. To ensure that all elected councillors are equipped with the basic skills, knowledge and resources they need to perform their duties and responsibilities as a councillor during their term of office.

Principles

2. Councillor training and development will be based on the following principles:
 - i. An induction for new councillors and essential training for all councillors will be treated as compulsory.
 - ii. Additional training and development opportunities will be offered to equip councillors for their particular duties and responsibilities.
 - iii. Induction and training will be offered on a range of dates and times, online and in-person.
 - iv. Presenters will strive to ensure that training is interactive, engaging and caters for a range of learning styles.
 - v. Feedback from councillors will inform the content and delivery of induction and training sessions.

Induction and training

3. Welcome sessions for new councillors will be held after Oxfordshire County Council elections and before the first meeting of the new Council. They will be followed by a programme of induction training to equip new councillors with the skills and knowledge they need for their term of office as a councillor.
4. New councillors will be expected to complete all elements of the induction programme by the end of July in the year in which they are elected unless the Director of Law and Governance agrees that special circumstances apply.
5. Returning councillors will, as a minimum, arrange to sign their oath of office prior to the Annual Council meeting and may attend an initial induction session should they wish to do so. Returning councillors will also be encouraged to attend the induction training, particularly where they have not previously attended training on the topics covered.

Compulsory training

6. Training on the Code of Conduct will be compulsory for all councillors upon their (re)elections and subsequently on a biennial basis.
7. Training on planning will be compulsory for councillors on the Planning & Regulation Committee. Councillors who have not attended the compulsory planning training will be barred from sitting on the Planning & Regulation Committee as members or substitute members until they have

done so.

8. The training requirements decided by the Pension Fund Committee will be compulsory for members and substitute members of that committee.
9. Councillors who take part in the recruitment process must have completed the Council's recruitment and selection training or be trained to the satisfaction of the Director of HR and Cultural Change.
10. Compulsory training may be required more frequently where there are changes to policy, legislation or Government guidance and the Director of Law and Governance determines that training on such changes is necessary and cannot wait until the next scheduled training on that topic.
11. Councillors elected in by-elections held separately from County Council elections will be offered an initial induction session and compulsory training on the Code of Conduct as well as for the Planning & Regulation Committee and the Pension Fund Committee where appropriate.

Overview

12. An overview of the timing and indicative content of the induction and training is set out in Table 1. In addition, the Council will seek to respond to any new or emerging training needs that are identified (e.g. from councillor feedback) over the period of this scheme where resources allow.

Table 1: Indicative timing and content of induction and training

Session	Timings	Notes
Induction welcome day	In the week after the election.	<ul style="list-style-type: none"> • Meeting directors • Introduction to Council structures and key functions • Outline of training programme • Introduction to key issues facing the Council • IT support
Code of Conduct	Before the Annual Council meeting.	Compulsory for all councillors
Council Procedures	Before the Annual Council meeting.	
Planning training	Before the first Planning & Regulation Committee meeting	Compulsory for members and substitute members of the Planning & Regulation Committee

Pensions training	Before the first meeting of the Pension Fund Committee	Compulsory for members and substitute members of the Pension Fund Committee
Recruitment and selection training	Before the end of July	Compulsory for councillors who take part in the recruitment process.
Audit & Governance training	Before the first Audit & Governance Committee meeting	
Equality, Diversity & Inclusion	Before the end of July	
Localities (Bite size)	Before the end of July	
Public Sector Equality Duty	Before the end of July	
Budget setting and local government finance	Before the end of July	
Corporate Parenting	Before the end of July	
Safeguarding	Before the end of July	
Cybersecurity/Phishing scams	Before the end of July	
Data Protection /FOI /Access to Information	Before the end of July	
Risk and performance	Before the end of July	
Media/social media training	Before the end of July	

Additional training and development opportunities

13. Additional skills based training opportunities will be made available to councillors to support them in their specific roles as a councillor. This will include training delivered in house by officers or external trainers. The focus of additional training and development will be informed by feedback from councillors on their development needs and priorities.
14. Subject to the allocation of budget and the agreement of their Group Leader, councillors may also access external training courses and events relevant to their special responsibilities or the reasonable learning and development of a councillor.

Further induction support and resources

15. All newly elected councillors will be issued with a welcome pack including details of the induction programme, various forms for completion and essential information about the Council including its corporate priorities, senior management structure, committee remits, the Council companies and contact details for the various services.
16. All new councillors will be paired with a “buddy” from within the Democratic Services and Scrutiny teams who will provide general support through the induction process with reference to a checklist of items for new councillors to do or be aware of.
17. Councillors appointed to Cabinet for the first time will be paired with a

“buddy” from within the senior management team to support them in that role.

18. Democratic Services will maintain an online “resource library” with up to date information for councillors including training and briefing materials.

Draft

AUDIT AND GOVERNANCE COMMITTEE – 12 March 2025

Oxfordshire Code of Corporate Governance

Report by Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. The Committee is RECOMMENDED to approve the Oxfordshire Code of Corporate Governance.

Executive Summary

2. In 2016 CIPFA & SOLACE produced an updated guidance and framework with the identified principles that should underpin the governance of each local authority, and a structured approach to assist individual authorities to achieve good governance, “Delivering Good Governance in Local Government: Framework 2016 Edition.” The Council’s Code of Corporate Governance is based upon this guidance.
3. The Framework urges local authorities to test their structures against seven core principles by:
 - Reviewing their existing governance arrangements against the Framework
 - Developing and maintaining an up-to-date local code of governance including arrangements for ensuring its ongoing application and effectiveness
 - Preparing an Annual Governance Statement in order to report publicly on the extent to which they comply with their own code, including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period.
4. The Officer Corporate Governance Assurance Group has reviewed and updated Oxfordshire County Council’s Code of Corporate Governance, which is subject to an annual review; the next review date is March 2026.

Format of the Oxfordshire Code of Corporate Governance

5. The Code of Corporate Governance sets out how Oxfordshire County Council complies with the requirements of the Code and identifies key documents, which provide detailed information as to how the Council ensures the Corporate Governance principles are adhered to.
6. Appendix A details the actions taken by and behaviours of the Council that demonstrate good governance; as taken from 2016 CIPFA & SOLACE: “Delivering Good Governance in Local Government: Framework 2016 Edition”
7. Appendix B identifies evidence that demonstrates that the Council is delivering good governance

Conclusion

8. This Code of Corporate Governance has been drafted with the oversight of the Corporate Governance Assurance Group (CGAG) and with input from members of the Strategic Leadership Team (SLT) and other senior managers.
9. The Committee is invited to approve the reviewed and updated Code of Corporate Governance.

Financial Implications

10. There are no financial implications.

Comments checked by:

Thomas James
Head of Financial Services

Thomas.James@Oxfordshire.gov.uk

Legal Implications

11. There is no statutory requirement for a Code of Corporate Governance. The Code complements and underpins the Annual Governance Statement by demonstrating, with evidence, how the Council meets the good governance principles set out in the Good Governance Framework published in 2016 by the Chartered Institute of Finance and Accountancy.

Comments checked by:

Kim Sawyer
Interim Head of Legal & Governance and Deputy Monitoring Officer

kim.sawyer@oxfordshire.gov.uk

Anita Bradley
Director of Law & Governance and Monitoring Officer

Contact Officers: Sarah Smith, Senior Governance Lead;
governance@oxfordshire.gov.uk



**OXFORDSHIRE
COUNTY COUNCIL**

Code of Corporate Governance

Review date: March 2026

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Introduction

1. In 2016 CIPFA & SOLACE produced an updated guidance and framework with the identified principles that should underpin the governance of each local authority, and a structured approach to assist individual authorities to achieve good governance, “Delivering Good Governance in Local Government: Framework 2016 Edition.”
2. The Council’s Code of Corporate Governance is based upon this guidance.

What is Governance?

3. Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and leads its communities.
4. Corporate governance in public bodies can be defined as “the framework of accountability to users, stakeholders and the wider community, within which organisations take decisions and lead and control their functions, to achieve their objectives”. It can be further defined as including “robust systems and processes, effective leadership and high standards of behaviour, a culture based on openness and honesty and an external focus on the needs of service users and the public”.

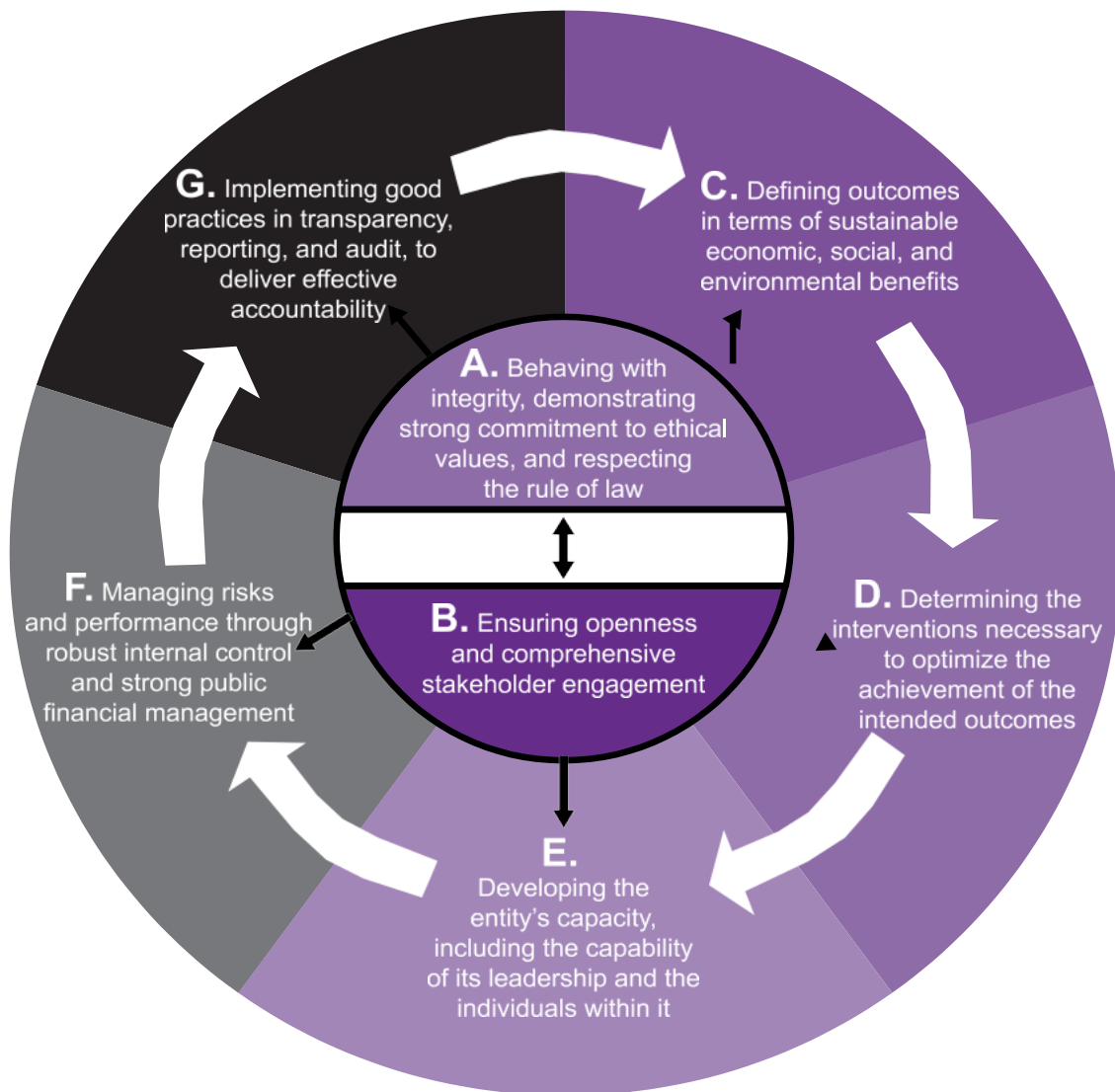
GUIDANCE AND FRAMEWORK

5. The Framework urges local authorities to test their structures against seven core principles by:
 - Reviewing their existing governance arrangements against the Framework
 - Developing and maintaining an up-to-date local code of governance including arrangements for ensuring its ongoing application and effectiveness
 - Preparing an Annual Governance Statement in order to report publicly on the extent to which they comply with their own code, including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period.
6. The preparation and publication of an annual governance statement in accordance with this Framework is necessary to meet the statutory requirement set out in Regulation 6 (4) of the Accounts and Audit (England) Regulations 2015 (Accounts and Audit Regulations) for authorities to prepare a statement of internal control in accordance with “proper practices”.

7. Internal control and risk management are increasingly recognised as important elements of good Corporate Governance.
8. The scope of internal control spans the whole range of the Council's activities and includes controls designed to ensure that:
 - The Council's policies are implemented in practice;
 - High quality services are delivered efficiently and effectively;
 - The Council's values and ethical standards are met;
 - Laws and Regulations are complied with;
 - Required procedures are adhered to;
 - Financial statements and other published performance information is accurate and reliable;
 - Human, financial, environmental, and other resources are managed efficiently and effectively.
9. The Regulations place a requirement on the Council to conduct an annual review of the effectiveness of its internal controls and identify areas where improvements can be made.

POSITION IN OXFORDSHIRE

10. The implementation of the Accounts and Audit Regulations required the production of a Statement on Internal Control, which formed part of the Council's Statement of Accounts. The Council's Corporate Governance Assurance Framework sets out the Corporate Governance arrangements within the Council and sets out the roles and responsibilities of key Officers, Councillors and Committees within that process.
11. This Code of Corporate Governance sets out how Oxfordshire County Council complies with the requirements of the Code and identifies key documents, which provide detailed information as to how the Council ensures these Corporate Governance principles are adhered to.



Core Principles

12. The Council's Code of Corporate Governance is based on the seven core principles which are set out in 2016 CIPFA & SOLACE: "Delivering Good Governance in Local Government: Framework 2016 Edition": -

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law;
- B. Ensuring openness and comprehensive stakeholder engagement;
- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits;
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes;
- E. Developing the County Council's capacity, including the capability of its leadership and the individuals within it;
- F. Managing risks and performance through robust internal control and strong public financial management; and
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

13. The Code specifically identifies the actions and behaviours taken by the Council in relation to each of these core principles and associated sub principles. The Code, along with its supporting infrastructure is set out below at Appendix A, with evidence of compliance summarised in in Appendix B.
14. The Audit and Governance Committee is currently responsible for approving this Code and ensuring it is annually reviewed and updated accordingly.

Next Review date: 31 March 2026

Appendix A - Actions and behaviours taken by the Council that demonstrate good governance.

Exact wording taken from 2016 CIPFA & SOLACE: “Delivering Good Governance in Local Government: Framework 2016 Edition.”

Principle	Sub Principles	Council Actions and Behaviours
(A) Behaving with integrity, demonstrating strong Commitment to ethical values, and respecting the rule of law	Behaving with integrity	<ul style="list-style-type: none"> Ensure that Members and Officers behave with integrity and lead a culture where acting in the public interest is visible and consistently demonstrated thereby protecting the reputation of the Council; Ensure that Members take the lead in establishing specific standard operating principles or values for the Council and its staff and that they are communicated and understood. These will build on the Seven Principles of Public Life (The Nolan Principles); Lead by example and use the above standard operating principles or values as a framework for decision making and other actions; and Demonstrate, communicate and embed the standard operating principles or values through appropriate policies and processes which will be reviewed on a regular basis to ensure they are operating effectively.
	Demonstrating strong commitment to ethical values	<ul style="list-style-type: none"> Seek to establish, monitor and maintain the Council's ethical standards and performance; Underpin personal behaviour with ethical values and ensure they permeate all aspects of the Council's culture and operation; Develop and maintain robust policies and procedures which place emphasis on agreed ethical values; and Ensure that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the Council.
	Respecting the Rule of Law	<ul style="list-style-type: none"> Ensure Members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations; Create the conditions to ensure that the statutory officers, other key post holders, and Members are able to fulfil their responsibilities in accordance with legislative and regulatory provisions; Strive to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders; Deal with breaches of legal and regulatory provisions effectively; and Ensure corruption and misuse of power is dealt with effectively.
(B) Ensuring openness and comprehensive stakeholder engagement	Openness	<ul style="list-style-type: none"> Ensure an open culture through demonstrating, documenting, and communicating the Council's commitment to openness; Make decisions that are open about actions, plans, resource use, forecasts, outputs, and outcomes. The presumption will be for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential will be provided; Provide clear reasoning and evidence for decisions in both public records and explanations to stakeholders and will be explicit about the criteria, rationale and considerations used. In due course, the Council will ensure that the impact and consequences of those decisions are clear; and Use formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action.
	Engaging comprehensively with institutional stakeholders	<ul style="list-style-type: none"> Effectively engage with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably; Develop formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively; and Ensure that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit.
	Engaging stakeholders individual citizens and service users	<ul style="list-style-type: none"> Establish a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes; Ensure that communication methods are effective, and that Members and Officers are clear about their roles with regard to community engagement; Encourage, collect, and evaluate the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs; Implement effective feedback mechanisms in order to demonstrate how their views have been taken into account; Balance feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity; and Take account of the interests of future generations of taxpayers and service users.

Principle	Sub Principles	Council Actions and Behaviours
(C) Defining outcomes in terms of sustainable economic, social and environmental benefits	Defining outcomes	<ul style="list-style-type: none"> Have a clear vision, which is an agreed formal statement of the Council's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Council's overall strategy, planning, and other decisions; Specify the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer; Deliver defined outcomes on a sustainable basis within the resources that will be available; Identify and manage risks to the achievement of outcomes; and Manage service users' expectations effectively with regard to determining priorities and making the best use of the resources available.
	Sustainable economic, social and environmental benefits	<ul style="list-style-type: none"> Consider and balance the combined economic, social, and environmental impact of policies, plans and decisions when taking decisions about service provision; Take a longer- term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints; Determine the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs; and
		<ul style="list-style-type: none"> Ensure fair access to services.
(D) Determining the interventions necessary to optimise	Determining interventions	<ul style="list-style-type: none"> Ensure decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore, ensuring best value is achieved however services are provided; and Consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.
	Planning interventions	<ul style="list-style-type: none"> Establish and implement robust planning and control cycles that cover strategic and operational plans, priorities and targets; Engage with internal and external stakeholders in determining how services and other courses of action should be planned and delivered; Consider and monitor risks facing each partner when working collaboratively including shared risks; Ensure arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances; Establish appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured; Ensure capacity exists to generate the information required to review service quality regularly; Prepare budgets in accordance with organisational objectives, strategies and the medium-term financial plan; and Inform medium and long-term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.
	Optimising intended outcomes	<ul style="list-style-type: none"> Ensure the medium-term financial strategy integrates and balances service priorities, affordability, and other resource constraints; Ensure the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term; Ensure the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage; and Ensure the achievement of 'social value' through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is "the additional benefit to the community...over and above the direct purchasing of goods, services and outcomes".

Principle	Sub Principles	Council Actions and Behaviours
(E) Developing the Council's capacity, including the capability of its leadership and the individuals within it	Developing the Council's capacity	<ul style="list-style-type: none"> Review operations, performance use of assets on a regular basis to ensure their continuing effectiveness; Improve resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the Council's resources are allocated so that outcomes are achieved effectively and efficiently; Recognise the benefits of partnerships and collaborative working where added value can be achieved; and Develop and maintain an effective workforce plan to enhance the strategic allocation of resources.
	Developing the capability of the County Council's leadership and other individuals	<ul style="list-style-type: none"> Develop protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained; Publish a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body; Ensure the Leader and the Chief Executive have clearly defined and distinctive leadership roles within a structure whereby the Chief Executive leads the Council in implementing strategy and managing the delivery of services and other outputs set by Members and each provides a check and a balance for each other's authority; Develop the capabilities of Members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political, and environmental changes and risks by: <ul style="list-style-type: none"> ensuring Members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged; ensuring Members and Officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis; and ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external. Ensure that there are structures in place to encourage public participation; Take steps to consider the leadership's own effectiveness and ensure leaders are open to constructive feedback from peer review and inspections; Hold staff to account through regular performance reviews which take account of training or development needs; and Ensure arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.
(F) Managing risks and performance through financial management	Managing Risk	<ul style="list-style-type: none"> Recognise that risk management is an integral part of all activities and must be considered in all aspects of decision making; Implement robust and integrated risk management arrangements and ensure that they are working effectively; and Ensure that responsibilities for managing individual risks are clearly allocated.
	Managing Performance	<ul style="list-style-type: none"> Monitor service delivery effectively including planning, specification, execution and independent post implementation review; Make decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council's financial, social and environmental position and outlook; Ensure an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council's performance and that of any organisation for which it is responsible; Provide Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement; and Ensure there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).
	Robust internal control	<ul style="list-style-type: none"> Align the risk management strategy and policies on internal control with achieving objectives; Evaluate and monitor the Council's risk management and internal control arrangements on a regular basis; Ensure effective counter fraud and anti-corruption arrangements are in place; Ensure additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor; Ensure an Audit and Governance Committee which is independent of the executive and accountable to the Council: <ul style="list-style-type: none"> provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment; and that its recommendations are listened to and acted upon.

Principle	Sub Principles	Council Actions and Behaviours
(F) Managing risks and performance through robust internal control and strong public financial management	Managing Data	<ul style="list-style-type: none"> ▪ Ensure effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data;
		<ul style="list-style-type: none"> ▪ Ensure effective arrangements are in place and operating effectively when sharing data with other bodies; and
		<ul style="list-style-type: none"> ▪ Review and audit regularly the quality and accuracy of data used in decision making and performance monitoring;
	Strong public financial management	<ul style="list-style-type: none"> ▪ Ensure financial management supports both long-term achievement of outcomes and short-term financial and operational performance; and ▪ Ensure well –developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.
(G) Implementing good practices in transparency, accountability	Implementing good practice in transparency	<ul style="list-style-type: none"> ▪ Write and communicate reports for the public and other stakeholders in a fair, balanced, and understandable style appropriate to the intended audience ensuring that they are easy to access and interrogate; and ▪ Strike a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.
	Implementing good practices in reporting	<ul style="list-style-type: none"> ▪ Report at least annually on performance, value for money and the stewardship of its resources to stakeholders in a timely and understandable way; ▪ Ensure Members and senior management own the results; ▪ Ensure robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publish the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (Annual Governance Statement); ▪ Ensure that the Framework is applied to jointly managed or shared service organisations as appropriate; and ▪ Ensure the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.
	Assurance accountability	<ul style="list-style-type: none"> ▪ Ensure that recommendations for corrective action made by external audit are acted upon; ▪ Ensure an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and that recommendations are acted upon; ▪ Welcome peer challenge, reviews and inspections from regulatory bodies and implement recommendations; ▪ Gain assurance on risks associated with delivering services through third parties and evidence this in the annual governance statement; and ▪ Ensure that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.

Appendix B – Oxfordshire County Council’s Evidence of Good Governance

Core Principles	(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	(B) Ensuring openness and comprehensive stakeholder engagement	(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits	(D) Determining the interventions necessary to optimise the achievement of the intended outcomes	(E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it	(F) Managing risks and performance through robust internal control and strong public financial management	(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability
Evidence of Good Governance	The Constitution	Strategic Plan 2022-25	Cabinet Reports	DTFT Champions Network and their role in conjunction with SLT in embedding DTFT Values. Strategic Transformation Board, Transformation Delivery Board	The Constitution Constitution review	The Constitution, Constitution review Schemes of Delegation	Audit and Governance Committee, Terms of Reference
	Schemes of Delegation / Decision making protocols and guidance	Decision Making Protocols Oxfordshire County Council website – Forward Plan published on the Council website with notice of forthcoming Key Decisions	Strategic Plan 2022-25	Director Service Leadership Teams (DLT)	Protocol on Councillors’ Rights and Responsibilities Constitution – Opposition rights	Audit and Governance Committee, Corporate Governance Assurance Group	Scrutiny Committee/Framework
	Audit & Governance Committee (includes Standards) / Terms of Reference	Annual Statement of Accounts/ Annual Governance Statement	Overview & Scrutiny Committees	Budget Consultations and Engagement exercises– Reported to Cabinet	Member Induction/Development Programme	Scrutiny Committee/Framework Cabinet Report	Decision Making Protocols
	Overview & Scrutiny arrangements: Performance & Corporate Services Overview & Scrutiny Committee, Place Overview & Scrutiny Committee, People Overview & Scrutiny Committee, Education, Young People Overview & Scrutiny Committee. The Annual Overview & Scrutiny Report to Council. The Buckinghamshire, Oxfordshire and Berkshire West (BOB) Health and Overview Scrutiny Committee (BOB HOSC)	Health Improvement Partnership Board; Oxfordshire Leaders Joint Committee (subject to decision on change of name) (formerly the Future Oxfordshire Partnership)	Oxfordshire Vision for Long-Term Sustainable Development; Shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc	Stakeholder Engagement	Workforce Planning Toolkit	Pension Fund Committee / Pensions Benefit Sub Committee Monthly Business Management and Monitoring reports	External audit of accounts and Value for Money (VFM) opinion
	Financial Procedure Rules / Financial Regulations / Contract Procedure Rules	Public Meetings	Business Cases / Options Appraisals to support decision making	Business Cases including options appraisals	Chief Executive Appraisal Process Leadership / Management Development Programmes, 360 appraisal process that has been introduced for SLT.	Financial Procedure Rules / Financial Regulations / Contract Procedure Rules Business and Budget Planning Process	Annual Statement of Accounts
	Ethical Procurement Policy Statement	Scrutiny Committee Work Programmes Health Overview and Scrutiny Committees	Business and Budget Planning process, including Service Plans	Director of Finance statement, section 25 of the Local Government Finance Act 2003	12:3:2 / 1-2-1 programmes – managing for performance, Managing for Performance Framework Organisational Development Programme	External audit of accounts and Value for Money (VFM) opinion/ statement of accounts/ medium term financial strategy / Internal Audit Strategy	Annual Governance Statement Corporate Governance Assurance Framework

Evidence of Good Governance	Core Principles	(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	(B) Ensuring openness and comprehensive stakeholder engagement	(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits	(D) Determining the interventions necessary to optimise the achievement of the intended outcomes	(E) Developing the Council's capacity, including the capability of its leadership and the individuals within it	(F) Managing risks and performance through robust internal control and strong public financial management	(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability
		Statutory Officer roles: Head of Paid Service (Chief Executive), Director of Finance, Monitoring Officer. Chief Internal Auditor mandate/Internal Audit Charter	Annual Budget Consultation, Consultation and Engagement Toolkit Annual Residents' Survey 'You said, we did' section on our Let's talk Oxfordshire consultation platform	Social Value Policy	Business and Budget Planning Process; Bi-monthly Business Management Reporting	Annual Monitoring Officer's Report Annual Governance Statement	Financial Management Code of Practice Annual Compliance review; Internal Audit, Public Sector Internal Audit Standards (PSIAS) external assessment	Chief Internal Auditors Annual Opinion / Report
		Members' and Officers' Codes of Conduct, LGA Model Councillor Code of conduct incorporated.	Co-production Programme	Risk & Opportunities Management Strategy Risk Registers	Medium Term Financial Strategy	Benchmarking Internally led reviews / independent challenge External Reviews Improvement and Priority Action Plans	Data Protection and Information Security Incident Policy Information asset registers Information Governance Board incorporating the Council's Data Protection Officer Senior Information Risk Owner Caldicott Guardian Information Governance Group Privacy Assessments Data sharing agreements	Internal Audit Service Children's Social Care Annual Report
		Member/Officer Induction Programme Members'/Officers' Register of Interest	Joint Strategic Needs Assessment	Monthly Business Management reports	Business Continuity Plans Contingency Planning Local Resilience Forum	Health and Safety Governance Framework and policies Wellbeing advice Employee assistance programme	Data Protection Training – all staff undertake training annually.	Business and Budget Planning process / Bi-monthly Business Management Reporting
		Protocol on Member Officer relations Protocol on Councillors' Rights and Responsibilities	Joint performance risk and finance reporting - Business Management & Monitoring Report (BMMR)	Transparency Code	Risk & Opportunities Management Strategy	Mentoring and Coaching Opportunities	Strategic Risk Register Leadership Risk Register Service-level operational risk registers.	Transparency Code
		Counter Fraud Strategy	Transparency Code	Equality Diversity and Inclusion Framework, Equality Impact Assessments,	Annual Service Delivery Plans	DTFT Champions Network and their role in conjunction with the Strategic Leadership (SLT), and Director Leadership (DLT) Team in embedding DTFT Values	Chief Internal Auditor's Annual Opinion / Report Annual Governance Statement	Oxfordshire County Council Website and Citizens' Portal
		Anti-Bribery and Anti-Money Laundering Policies Conflicts of Interest – Declaring and Registering Interests Policy	Corporate and Statutory Complaints Procedures	Climate Action Framework Climate Impact Assessments.	Social Value Policy	Continuing Professional Development (CPD)	Monthly Performance, Risk and Financial Reports	Freedom of Information Act & Environmental Information Regulations Publication Scheme
		Whistleblowing policy Transparency Code	Freedom of Information Act & Environmental Information Regulations Publication Scheme	Strategy, monitoring, and reporting	Decision Making Protocols and guidance	Schemes of Delegation	Counter Fraud Strategy Anti-Bribery and Anti-Money Laundering Policies	Corporate and Statutory Complaints Procedures
		Risk & Opportunities Management Strategy; Strategic risk register plus service-level operational risk registers.	Consultation and Engagement Strategy 2022-25 and accompanying best practice guidance	Programme led delivery, benefits realisation, monitoring, reporting, evaluation, and review	Monitoring and reporting against key policies, and policy review	Succession planning and talent management to manage current and future risks of key personnel together with opportunities for individual growth and promotion. (An employer of choice)	Internal Audit were subject to external assessment by CIPFA in October 2023. This concluded that Internal Audit are fully compliant with Public Sector Internal Audit Standards.	Zero Tolerance: Violent, Abusive and Threatening Behaviour policy

Core Principles	Evidence of Good Governance	(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	(B) Ensuring openness and comprehensive stakeholder engagement	(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits	(D) Determining the interventions necessary to optimise the achievement of the intended outcomes	(E) Developing the Council's capacity, including the capability of its leadership and the individuals within it	(F) Managing risks and performance through robust internal control and strong public financial management	(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability
		Five core organisational values and associated behaviours embedded through the network of 200+ Delivering the Future Together Champions and Inclusion Champions	Project Initiation Document, Stakeholder Mapping	Libraries and Heritage Strategy	Programme and project management overseen by Programme Management Office (PMO)	Recruitment and retention Agile working	Established and effective systems and processes for managing employee relations	Role Profiles/Job Descriptions Job Evaluation Shortlisting, Interview and Recruitment
		Procurement Strategy	Communication and engagement plans developed for all major projects.			Apprenticeships / National Graduate Development Programme/ Chartered Manager Degree Apprenticeship (CMDA) Management Trainees.	Procurement Strategy Commercial Board	Business management and monitoring report
		Customer Service Standards	Communications approaches and material tailored to different audiences.			Technology service and Innovate Oxfordshire service supporting digital projects across the Council.	Strategic Capital Board	Robust SLT and Director Service Leadership Team agendas. Regular Manager Briefings issued.
		Mandatory e-learning induction modules	Consultation materials and other information available in alternative languages, formats e.g. audio, braille, large format.			Council Transformation Programme underway with recruitment of dedicated Programme and Project Managers	Business management and monitoring report	
		Planning and Regulation Committee	Voluntary and Community Sector Strategy 2022-2027			Service and performance review	Risk & Opportunities Management Strategy Risk Management Framework Risk Based Internal Auditing	
		Climate Action Programme Board	Co-optees on Committees			Strategic Leadership Team (SLT), and Senior Managers Forum - Shadowing	Business Continuity Plans Contingency Planning Local Resilience Forum	
		Cabinet and Council decision-making	Citizens' Portal detailing progress made against the key performance indicators.			Our People & Culture Strategy 2024-2026	Director Service Leadership Teams (DLT)	

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AUDIT & GOVERNANCE COMMITTEE WORK PROGRAMME – 2025

4 June 2025

1. Chief Internal Auditor's Annual Report (Sarah Cox)
2. Internal Audit Strategy & Plan 2025/26 (Sarah Cox)
3. 2023/24 Oxfordshire Pension Fund Provisional Audit Results Report (E&Y)
4. Oxfordshire County Council Provisional Audit Planning Report Year Ending 31 March 2025 (E&Y)
5. Risk Management Update (Louise Tustian)
6. Annual Governance Statement – Progress on Actions (Sarah Smith)
7. Audit Working Group Update (Sarah Cox)
8. Audit & Governance Committee Work Programme

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