

County Council

16 May 2023

Agenda

To: **Members of the County COUNCIL**

Notice of a Meeting of the County Council

Tuesday, 16 May 2023 at 10.30 am

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

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



Martin Reeves
Chief Executive

May 2023

Committee Officer: **Colm Ó Caomhánaigh**
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In order to comply with the Data Protection Act 2018, notice is given that the meeting will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

AGENDA

1. **Election of Chair for the 2023/24 Council Year**
2. **Election of Vice-Chair for the 2023/24 Council Year**
3. **Apologies for Absence**
4. **Declarations of Interest - see guidance note**

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

5. **Minutes** (Pages 1 - 20)

To approve the minutes of the meeting held on 28 March 2023 (**CC1**) and to receive information arising from them.

6. **Official Communications**
7. **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.

Requests to speak must be submitted no later than 9am one working day before the meeting i.e., 9am on Monday 15 May 2023. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

8. **Report of Cabinet** (Pages 21 - 26)

Report of the Cabinet meetings held on 28 March 2023 and 18 April 2023.

9. **Audit and Governance Committee Annual Report** (Pages 27 - 38)

Report from the Chair of the Audit & Governance Committee.

The Annual Report sets out the role of the Audit & Governance Committee and summarises the work that has been undertaken both as a Committee and through the support of the Audit Working Group in 2022/23.

Council is RECOMMENDED to note the contents of the Annual Report of the Audit & Governance Committee 2022/23.

10. Cabinet Membership and Delegation of Cabinet Functions

Report by the Leader of the Council – to be published with the Schedule of Business.

Council is RECOMMENDED to note the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader of the Council for the coming year and their respective portfolios.

11. Committees and Review of Political Balance (Pages 39 - 52)

Report by the Director of Law & Governance & Monitoring Officer.

The Council is RECOMMENDED to:

- a) **note how the rules operate and approve necessary adjustments to achieve the balance across and within Committees to comply with the rules.**
- b) **appoint Councillors to the scrutiny and other committees of the Council listed in Annex 3 as required by any changes necessary as a result of applying the proportionality rules, and subject to any changes on the nomination of the political groups.**

12. Committee Dates 2023/24 (Pages 53 - 56)

A schedule of meeting dates for the 2023/24 Council Year is attached. These were approved by Council at its meeting on 1 November 2022 and are reproduced here as a reminder to members.

Council is recommended to note the dates of meetings for the 2023/24 Council Year.

13. Officer Scheme of Delegation (Pages 57 - 80)

Report of the Director of Law & Governance and Monitoring Officer

COUNCIL IS RECOMMENDED to approve the Scheme of Delegation as it relates to Council functions including the amendments to Part 7.1 and Part 7.2 of the Council Constitution annexed to this report.

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

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

Declaring an interest

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

Members' Code of Conduct and public perception

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

Members Code – Other registrable interests

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

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Agenda Item 5

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 28 March 2023 commencing at 10.30 am and finishing at 3.45pm

Present:

Councillor Susanna Pressel – in the Chair

Councillors:

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

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

7/23 MINUTES

(Agenda Item 1)

The minutes of the meeting held on 14 February 2023 were approved as a correct record.

8/23 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Cllrs Bulmer, Field-Johnson, Murphy and Thomas.

9/23 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chair welcomed Councillor Trish Elphinstone (Rose Hill & Littlemore) and Martin Reeves, Chief Executive, to their first meeting of the Council.

The Chair reported the following:-

- The Council had won a gold award for its commitment to LGBTQ+ inclusion at work, and has also secured a spot on Stonewall's Top 100 list which recognises exceptional employers who are committed to supporting their LGBTQ+ staff and customers.
- Jamie Kavanagh of ICT Services secured 2nd place in the CS "Future Data Leader of the Year Awards. He was highly commended in a field of over 100 data professionals from across the UK.

10/23 APPOINTMENTS

(Agenda Item 5)

Council noted the following appointments:-

Cllr Elphinstone to be appointed to the vacancy on Audit and Governance Committee

Cllr Elphinstone to replace Councillor Edosomwan on People Overview and Scrutiny Committee

Cllr Povolotsky to replace Cllr Gregory on People Overview and Scrutiny Committee

Cllr Gregory to replace Cllr Povolotsky on Place Overview and Scrutiny Committee

Shadow Cabinet changes

Cllr Fenton had replaced Cllr Bulmer, shadowing Cllr Hannaby, Cabinet Member for Cabinet Member for Community Services and Safety

Cllr Constance had replaced Cllr Fenton, shadowing Cllr Sudbury, Cabinet Member for Climate Change Delivery and Environment

11/23 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

Richard Parnham addressed the Council on the Citizens Jury recommendation regarding environmental cycling across disused University land. He had attended Cabinet previously where the recommendation had given this suggestion a low priority score. Mr Parnham asked that the Council should ask the Cabinet to give this proposal further consideration in view of its priority to encourage active travel.

Mark Boule spoke in support of the motion by Councillor Walker. Mr Boule questioned how 20 minute neighbourhoods had been made a priority of the Council. Mr Boule argued that investment should be made in the infrastructure of the areas affected. Mr Boule also questioned the policy regarding the issue of passes and areas affected by traffic filters and was of the view that local authorities should not be dictating the mode of transport to be used by residents.

Clinton Pugh explained that he was a local trader affected by the Cowley LTN scheme. Mr Pugh referred to his previous address to the Council's Cabinet and the accusation by a Cabinet member of lying. Mr Pugh argued that the Council had misled the public on the traffic control measures introduced in Oxford City and said that the Cabinet should resign.

The Monitoring Officer stated that she had investigated the code of conduct complaint referred to by the speaker in accordance with the Council's established procedures.

Anne Gwinnett, addressed the Council in support of the motion by Councillor Walker. Ms Gwinnett said that the Council had hidden evidence from its data sources that the proposals would increase the volume of traffic in certain areas and that there was significant opposition to the Council's proposals. Ms Gwinnett said that the Council was not listening to residents and that a further study was required

Asha Gill addressed the Council in support of the motion by Councillor Reeves. Ms Gill said that a campaign had been launched in support of the Spare seats scheme and opposition to the withdrawal of a number of seats in the scheme. Ms Gill argued that this contradicted a number of the Council's policies and that the campaign group had not been asked to contribute to the Council's review of school transport chaired by Councillor Graham.

Ken Pelton spoke in support of the motion by Councillor Walker. Mr Pelton was a resident of Noke where residents were severely impacted by the closure of Marston Ferry Road resulting in additional travel distances into Oxford. They would only receive 25 permits per annum. In his view, the consultation was poorly organised, not supported by data and should be rerun as proposed in the motion. The large sums being spent on traffic filters should be spent on improving the traffic infrastructure outside Oxford city.

Sarah Singleton spoke in support of the motion by Councillor Reeves. She said that the Council should consider the disproportionate effect on rural areas of the County and sectors of the community including key workers, single parents and parents of pupils on free school meals of the ongoing reductions in the spare seats scheme. Ms Singleton considered that rural pupils' attendance at local and catchment area schools had become a matter of affordability. The alternative solutions would not be in place by September.

Charlotte Cusworth also addressed the Council on the motion by Councillor Reeves. Ms Cusworth explained the impact of the reduction of the scheme for her own personal circumstances and, in particular, the income from her own business. Ms Cusworth said it was not viable to move her son to another school or move house to an area where he could travel to school independently.

Pete Walker referred to the letter that had been sent to parents about the withdrawal of part of the spare seats scheme. Mr Walker argued that the proposals for alternative solutions were inadequate and the cost of providing taxis greatly exceeded that for seats on buses. Mr Walker considered that the Council had side-lined the full cost recovery scheme which would enable the provision of seats to be maintained. Mr Walker considered that there had been misleading information provided to parents and communication had been totally inadequate.

12/23 PROCEDURAL MOTION

Councillor Bartholomew moved and Councillor Reeves seconded a procedural motion, in accordance with section 14.1 (iii) of the Council Procedure Rules, to change the order of business to bring forward the motions on notice by Councillor Walker (item 18 on the agenda) and Councillor Reeves (item 19 on the agenda) so that these would be the first two motions to be debated.

Following debate, the procedural motion was put to the vote and was lost by 34 votes to 21 with 1 abstention.

13/23 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC

(Agenda Item 7)

Ms Jamila Azad had given written notice of the following question to Cllr Andrew Gant

Can the Council explain how the proposed ANPR cameras in Cowley will mitigate against the increase in NO₂ pollution in Cowley (relative to the rest of Oxford) since the Crowley LTN ANPR cameras were installed?

Councillor Gant replied:-

The ANPR cameras are not proposed to mitigate air quality but to allow enforcement and exemptions for buses and/or emergency service vehicles.

Mr Matthew Webb had given written notice of the following question to Cllr Andrew Gant:-

Can the council please provide any revenue estimates for the proposed Cowley LTN ANPR cameras for their first and second year of operation?

Councillor Gant replied:-

For each proposed Cowley LTN ANPR site, the projected revenue estimates are expected to be:

Year 1 - £59,568 (per site)

Year 2 - £99,280 (per site)

These figures are estimates based on income from similar sites. However, with expectations that residents would observe the Traffic Order we are hopeful that the projected estimates would be lower and any funds potentially raised would be reinvested in further initiatives to promote Active Travel. The consultation for the ANPR cameras ends on 17 April 2023 and a decision on the way forward will be made by the County Council in the summer.

Mr Saj Malik had given notice of the following question to Cllr Andrew Gant:-

How many of the emergency services in Oxfordshire have made representations to you (Andrew Gant) that they want ANPR cameras to replace planters in Cowley?

Cllr Gant replied:-

The LTN team have held regular meetings with stakeholders, including the emergency services during the stages of the Cowley LTN scheme. I have met with representatives of the emergency services on many occasions, both in meetings and on-site within Cowley.

In addition, as part of the preparation of the mitigations to the Cowley scheme, I requested and held individual one-to-one meetings with a senior representative of each of the emergency services to discuss their operational requirements. These discussions naturally form an important part of planning the scheme of mitigations and the proposals for ANPR at three sites, currently out for consultation.

Ms Jenny Wells had given notice of the following question to Cllr Andrew Gant:-

I would like to ask Andrew Gant why the council has targeted East Oxford and Cowley for the implementation of the LTNs in Oxford?

Cllr Gant replied

There are many key factors that recommend an area for a low-traffic neighbourhood. These include poor air quality, high traffic volumes, urban density, a high number of vulnerable road users, and a lack of green space.

Areas where there are a high number of schools, lower than average access to public transport, and a higher number of road traffic accidents may be suitable for LTN trials.

The eastern area of Oxford has a high population of young families and a mix of primary and secondary schools, as well as a large number of children travelling through to schools in other parts of the city, and outside the city.

Around 36% of households in the eastern area of Oxford do not own a car; the area needs better cycling and walking connections and safer roads for all users.

All of the above were factors taken into consideration before trialling Low Traffic Neighbourhoods firstly in Cowley, followed by east Oxford.

Ms Yasmin Qureshi had given notice of the following question to Cllr Andrew Gant:-

Can the council explain how the proposed ANPR cameras in Cowley will mitigate against the significant increases in traffic on Rose Hill and Henley Avenue which has occurred since the LTNs were installed?

Councillor Gant replied:-

A formal decision on whether or not to install ANPR cameras within the Cowley LTN areas is due to be made by the Cabinet Member for Highways Management at a meeting later in 2023. Officers will make recommendations based on a range of factors, including feedback received and monitoring data.

Mr Ian Yeatman had given notice of the following question to Cllr Andrew Gant:-

My father is 88 and registered disabled. Can the council explain how Oxfordshire County Council's proposal to exclude blue badge and / or carers from the proposed Cowley LTN ANPR scheme is compliant with its public sector equality duty?

Cllr Gant replied:-

The consultation period for the ANPR is still open (closes April 18) and we encourage everybody to respond online at the link provided: [Oxford: Cowley LTNs - ANPR Camera Enforcement & Littlemore Road Exemption](#)

[Amendment | Let's Talk Oxfordshire](#). Or through a paper copy, which you can order by calling 01865 816000. The exemptions form part of the consultation and all responses will be considered as part of the reporting process.

A statutory Equalities Impact Assessment (EIA) is conducted to assess the projected impacts of the LTNs on all groups with protected characteristics (such as disability, age and gender).

Dr Erdem Pulcu had given notice of the following question to Cllr Andrew Gant

East Oxford residents were promised meaningful improvements to the LTN scheme by Spring 2023. Currently, the bollards and planters continue to block Crowell Rd, segregating Littlemore from Cowley centre grocery shopping access. This specific location was opposed by more than 60% of responders to the original consultation. Now, the word on the street says there is another consultation going on, for installation of ANPR cameras in this location. Why is this consultation not being distributed in Littlemore, which remains the most negatively affected area, in paper format?

Cllr Gant replied:-

Our online survey for this exercise is open for everyone to respond and we understand that our proposals do have a far wider stakeholding audience than the streets the proposals concern. Alongside formal notifications and online media from the county council, we will write to those addresses located on those streets and adjoining or boundary roads to promote the survey and provide links to it.

We do not distribute paper copies to all addresses as this would be unfeasible in terms of cost and carbon footprint. However we are happy to, and do, provide limited numbers of hard copy surveys to groups and individuals who cannot easily access the survey online.

For anyone who needs a printed copy of a survey or require information in an alternative format, they are invited to email us (activetraveloxfordcity@oxfordshire.gov.uk) or call our customer services team or call the council's customer services team on (01865 816000).

Mr Richard Parnham had given notice of the following question to Cllr Andrew Gant:-

Is the council aware of provisional city council data, that appears to show that full-year average NO2 pollution levels rose above legal limits during 2022 - on both Hollow Way and Oxford Road / Between Towns Road i.e. after the Cowley LTNs were installed

Cllr Gant replied:-

We continue to monitor air quality and traffic dispersal on arterial roads and roads connecting to the low-traffic neighbourhoods. Low-traffic neighbourhoods are just one aspect of the wider programme that is supporting healthier, more sustainable travel, as outlined in the [Local Transport and Connectivity Plan](#).

There is more detail about how we capture and analyse the data on our website: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/connecting-oxfordshire/low-traffic-neighbourhoods/east-oxford-ltn-air-quality>"

Mr Peter West had given notice of the following question to Cllr Andrew Gant:-

Is OCC now in possession of the traffic filters modelling analysis for the A40/B4150 Marsh lane junction Cherwell drive/Marsh Lane/Marston Road/Headley Way Junction and can he provide data for the following periods?

- i) AM peak data
- (ii) PM peak data
- (iii) the weekend off-peak data

Cllr Gant replied:-

The county council has published a Forecasting Report which provides details of transport modelling of various traffic filter scenarios. This was published ahead of and to support the Cabinet decision in November 2022.

The transport model used to forecast the effects of the traffic filters covers Oxfordshire in some detail and also extends in less detail to the rest of the United Kingdom. A model of this kind is good at estimating overall changes in people's travel patterns and mode choices, but there is more uncertainty in forecasts of changes on individual roads and junctions, and these more detailed outputs are inherently less reliable. This is one reason why the county council has decided to introduce the scheme as a trial in the first instance.

Please note, the transport model represents AM peak and PM peak hours and an average inter-peak hour during an average weekday. There are no model forecasts for a weekend (AM, PM or off-peak).

The following tables show the estimated 2024 total traffic levels approaching the two junctions for the AM and PM peak hours. As above, there is more uncertainty in forecasts of changes in traffic at this level. The Do Minimum (DM) scenario is without the traffic filters; the Do Something (DS) scenario is

with the traffic filters (and is the scheme that was consulted on and referred to as TF1 in the Forecasting Report).

Marsh Lane/Cherwell Drive Junction (total traffic approaching junction)

AM peak		PM peak	
DM (no TF)	DS (with TF)	DM (no TF)	DS (with TF)
1730	1497	2030	1819

Marston Road/Cherwell Drive/Headley Way Junction (total traffic approaching junction)

AM peak		PM peak	
DM (no TF)	DS (with TF)	DM (no TF)	DS (with TF)
1678	1500	1969	1763

Ms Bernadette Evans had given notice of the following question to Cllr Andrew Gant:-

Why was the Traffic Filters Business Impact Assessment, produced by Steer, released ahead of the Steer Atkins Oxford Trial Traffic report when the BIA forecast the impact on businesses of the traffic filters but without using any traffic reduction data?

Cllr Gant replied:-

The Business Impact Assessment report, and separately, Transport and Traffic Forecasting report, were published on the same day, 21st October 2022.

The assessment of business impacts is a qualitative assessment that considers the scale and nature of potential effects of the trial traffic filters on different types of business across Oxford. This included consideration of changes in travel times e.g. from reduced/increased congestion and/or rerouting as result of traffic filters, as well as impacts on deliveries and servicing, and the catchment of and demand for a business' services, for example.

Mr Edward Glover had given notice of the following question to Cllr Andrew Gant:-

Given the increased speed and volume of traffic, why has the newly restored (2022) traffic awareness monitor on Henley Avenue been removed?

The strips were installed to monitor the impact of the Quickways cycle routes and the LTNs, where there are no Vivacity cameras for this purpose. They are set to record cycles and motor vehicle numbers and traffic speeds. The strips are put down for two weeks and this was the third measurement of four, with the final recording to take place in June 2023 before a comparative monitoring report is produced against baseline data taken before their implementation.

14/23 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

21 questions with Notice were asked. Details of the questions and answers and supplementary questions and answers will be set out in the Annex to the minutes

In relation to question 1 (Cllr Yvonne Constance to Cllr Andrew Gant) Cllr Gant undertook to provide a written response on the specific issues concerning the footpath used by pupils at King Alfred's School in Wantage.

In relation to question 2 (Cllr Donna Ford to Cllr Calum Miller) Cllr Miller undertook to provide a written response on the dispute resolution costs relating to the Children's Service department.

In relation to question 6 (Cllr John Howson to Cllr Calum Miller) Cllr Miller undertook to provide a written response on any adjustments made to the County Hall building by the previous administration.

In relation to question 13 (Cllr Sally Povolotsky to Cllr Andrew Gant) Cllr Gant undertook to provide a detailed response on the repair project including projected timings.

In relation to question 17 (Cllr Ian Middleton to Cllr Calum Miller) Cllr Miller undertook to meet with Cllr Middleton on options for the Glebe House site.

15/23 REPORT OF THE CABINET

(Agenda Item 9)

Council received the report of the Cabinet.

In relation to a question from Cllr Jane Hanna, Cllr Mark Lygo confirmed that he would be submitting a further report to the Health Overview and Scrutiny Committee on provision of primary care services and information provided to the County's residents.

16/23 ANNUAL REPORT OF DIRECTOR OF PUBLIC HEALTH

(Agenda Item 10)

Directors of Public Health had a statutory duty to publish an annual report on a subject of their choice that they feel demonstrates the state of health within their community.

Council had before it the report relating to the period 2022-23 which focussed on the theme of excess weight.

Following debate it was:-

RESOLVED (on a motion by Councillor Mark Lygo, seconded by Councillor Liz Leffman, and carried unanimously, 55 votes in favour, 0 against and 0 abstentions) to note the Director of Public Health Annual Report and to take every opportunity to support actions and initiatives that will progress related work.

17/23 AMENDMENTS TO THE COUNCIL'S CONSTITUTION

(Agenda Item 11)

Council had before it a report relating to the need to update the current Employment Procedure Rules set out in Part 8.4 of the Council's Constitution. There were delegations in Scheme of Delegations for the Head of Paid Service regarding the appointment and dismissal of Chief Officers that contravened legislation governing the appointment and dismissal of chief officers. New delegations had been drafted to enable the Head of Paid Service to make Interim appointments of Chief Officers and appoint senior officers in the Council, who are for these purposes known as Deputy Chief Officers.

RESOLVED (on a motion from Councillor Susanna Pressel, seconded by Councillor Felix Bloomfield, and carried unanimously, 55 votes in favour, 0 against and 0 abstentions) to approve the proposals for amendment to the Employment Procedure Rules Part 8.4 as set out in annex 2 to the report.

18/23 APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR, PEOPLE, TRANSFORMATION AND PERFORMANCE

(Agenda Item 12)

Council had before it a report referring to the establishment of a temporary appointment to provide additional strategic capacity in the senior leadership team. In accordance with the Council's constitution, the salary designation for the post required the approval of the full Council.

Following debate it was:-

RESOLVED (on a motion by Councillor Liz Leffman, seconded by Liz Brighthouse, 40 voting in favour and 15 abstentions) to approve a spot salary designation of £167,000 for the post of Interim Executive Director, People, Transformation & Performance.

19/23 COUNCILLOR ALLOWANCES 2022-23

(Agenda Item 13)

The Independent Remuneration Panel (IRP) recommendations on a new members' allowances scheme were accepted by Council on 2 November 2021 and became effective on 1 April 2022. The recommendations included linking future increases to the Local Government pay award for employees each year.

Council had before it report proposing an increase to members' allowances arising from the recent pay award for Local Government employees.

Following debate it was:-

RESOLVED, (on a motion by Councillor Liz Leffman, seconded by Councillor Liz Brighthouse, 38 voting in favour and 17 abstentions) to:-

- a) increase the Basic Allowance and Special Responsibility Allowances by 5.3%, with effect from 1 April 2023, in line with the percentage rise in employee costs for Oxfordshire County Council arising from the 2022-23 Local Government pay award
- b) add the following special responsibility allowance omitted from the report:-

Chair of Oxfordshire Joint Health Overview and Scrutiny Committee:

<u>Current</u>	<u>5.3% uplift</u>
£7,200.00	£7,584.00

20/23 ELECTORAL REVIEW:DIVISION PATTERNS

(Agenda Item 14)

Council had before it a report on the second phase of the Local Government Boundary Commission's electoral review of Oxfordshire proposing arrangements for setting the boundaries for each County Division.

Following debate it was:-

RESOLVED (on a motion by Councillor Stefan Gawrysiak, seconded by Councillor Neil Fawcett and carried unanimously, 55 voting in favour, 0 against and 0 abstentions) to submit the annexed report on Division patterns to the Local Government Boundary Commission for England. This set out proposed boundaries and names for the County Divisions in each of the five

District areas: Cherwell, Oxford City, South Oxfordshire, Vale of White Horse and West Oxfordshire

21/23 TREASURY MANAGEMENT - QUARTER 3

(Agenda Item 15)

RESOLVED (on a motion by Councillor Calum Miller, seconded by Councillor Liz Leffman and carried unanimously, 55 voting in favour, 0 against and 0 abstentions) to note the council's treasury management activity in the third quarter of 2022/23.

22/23 MOTION BY COUNCILLOR CHARLIE HICKS

(Agenda Item 16)

Councillor Charlie Hicks moved and Councillor Robin Bennett seconded the following motion:

Council believes that it is vital to consider the wellbeing of Future Generations in all decision-making in the Council, as set out in the Alliance's guiding principles.

Therefore, Council requests the Cabinet to undertake the following as soon as reasonably practicable:

- Review how all decision-making and commissioning of services will consider the wellbeing of future generations and put in place appropriate internal controls to ensure this happens,
- Consider the need for any additional internal roles to support this work (e.g. a future generations commissioner for Oxfordshire)
- Implement a 'Future Generations impact assessment' section in all officer reports for elected decision-makers, and
- Set up an Oxfordshire Youth and Future Generations Advisory Council

- Requests that the Future Council Governance Group, as part of its remit, develop recommendations on how to structure political decision-making in the council in a way which best considers the impact of decisions on future generations, including exploring the role of deliberative and participatory processes (including citizens' assemblies) as part of routine council governance and decision-making.

- Asks that all of the above be done in consultation with people and organisations who have experience of delivering future generations work in UK political institutions, including the application of future generations principles, defined as "acting in a manner which seeks to ensure that the

needs of the present are met without compromising the ability of future generations to meet their own needs”, and the development of wellbeing goals, with a view to creating equivalent goals for Oxfordshire.

Following debate, the motion was carried unanimously (55 voting in favour, 0 against and 0 abstentions).

RESOLVED (55 to 0):

Council believes that it is vital to consider the wellbeing of Future Generations in all decision-making in the Council, as set out in the Alliance’s guiding principles.

Therefore, Council requests the Cabinet to undertake the following as soon as reasonably practicable:

- Review how all decision-making and commissioning of services will consider the wellbeing of future generations and put in place appropriate internal controls to ensure this happens,
 - Consider the need for any additional internal roles to support this work (e.g. a future generations commissioner for Oxfordshire)
 - Implement a ‘Future Generations impact assessment’ section in all officer reports for elected decision-makers, and
 - Set up an Oxfordshire Youth and Future Generations Advisory Council
- Requests that the Future Council Governance Group, as part of its remit, develop recommendations on how to structure political decision-making in the council in a way which best considers the impact of decisions on future generations, including exploring the role of deliberative and participatory processes (including citizens’ assemblies) as part of routine council governance and decision-making.
- Asks that all of the above be done in consultation with people and organisations who have experience of delivering future generations work in UK political institutions, including the application future generations principles, defined as “acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”, and the development of wellbeing goals, with a view to creating equivalent goals for Oxfordshire

23/23 MOTION BY COUNCILLOR CALUM MILLER

(Agenda Item 17)

Councillor Calum Miller moved and Councillor Robin Johnston seconded the following motion:

The government recommitted in the 2022 Autumn Statement to the delivery of East West Rail (EWR). In 2021, EWR consulted on a series of proposals to address the fact that increased train frequency would, in due course, require the level crossing at London Road, Bicester, to be closed. The Chief Executive of EWR told a meeting of local elected representatives on 13 January that EWR would publish its proposals for the whole line by June.

This Council:

- Strongly supports East West Rail as it will increase opportunities for lower carbon travel and support sustainable growth and jobs;
- Notes that the closure of the London Road would sever the road connection between the south-east of Bicester and the town centre;
- Believes that it must be a priority, working with Cherwell District Council and East West Rail, to find a sustainable, funded solution that continues to provide suitable rail crossings for cars, cycles and pedestrians at or near London Road;
- Recognises that the next three months are critical to ensuring that this solution is adequately funded by EWR and national government, given that the new line is of national importance while the negative impact of closing London Road would fall on the local community in Bicester;
- Resolves to ask the Leader to write to the Chief Executive of East West Rail, stating this Council's support for new railway crossings at or near London Road, suitable for cars, cycles and pedestrians.

Following debate the motion was put to the vote and was carried unanimously (55 voting in favour, 0 against and 0 abstentions):-

RESOLVED (55 to 0):

The government recommitted in the 2022 Autumn Statement to the delivery of East West Rail (EWR). In 2021, EWR consulted on a series of proposals to address the fact that increased train frequency would, in due course, require the level crossing at London Road, Bicester, to be closed. The Chief Executive of EWR told a meeting of local elected representatives on 13 January that EWR would publish its proposals for the whole line by June.

This Council:

- Strongly supports East West Rail as it will increase opportunities for lower carbon travel and support sustainable growth and jobs;
- Notes that the closure of the London Road would sever the road connection between the south-east of Bicester and the town centre;
- Believes that it must be a priority, working with Cherwell District Council and East West Rail, to find a sustainable, funded solution that

continues to provide suitable rail crossings for cars, cycles and pedestrians at or near London Road;

- Recognises that the next three months are critical to ensuring that this solution is adequately funded by EWR and national government, given that the new line is of national importance while the negative impact of closing London Road would fall on the local community in Bicester;
- Resolves to ask the Leader to write to the Chief Executive of East West Rail, stating this Council's support for new railway crossings at or near London Road, suitable for cars, cycles and pedestrians.

24/23 MOTION BY COUNCILLOR LIAM WALKER

(Agenda Item 18)

Councillor Liam Walker moved and Councillor Ian Snowdon seconded the following motion:

This Council recognises the deep concerns around the recent information that it did not release specific traffic impact data in relation to the Oxford bus filters consultation.

Given this revelation this Council now calls on the Cabinet to authorise officers to conduct a new six-week consultation for the Oxford bus filters trial with all information made available to the public, including a clear 'support or oppose' question.

Following debate the motion was put to the vote and was lost by 38 votes to 17.

25/23 MOTION BY COUNCILLOR EDDIE REEVES

(Agenda Item 19)

Councillor Eddie Reeves moved and Councillor Yvonne Constance seconded the following motion:

Oxfordshire's Spare Seats programme has offered children a safe and affordable bus to school for c. 35 years.

This Council apologises unreservedly for its decision to send 'withdrawal' letters to parents under its Spare Seats scheme without parental or wider public consultation. The wording of its withdrawal letters caused significant anxiety and distress to parents in predominantly rural areas, with up to 235 children affected in the short term and as many as 1,384 students in the medium term.

To date, the Council has defended its decision on the basis that it has no legal obligation to operate the scheme, adding that its continuation: *"reinforces children travelling to schools further away than their nearest school"*.

This Council restates its commitment to the Spare Seats scheme and to the underlying principles of safeguarding parental choice, tackling climate change, encouraging social mixing and ensuring children's safety.

This Council requests the Cabinet to write to all parents/guardians whose children benefit from the scheme to reassure them that this Council is giving active consideration to improving Spare Seats and/or encouraging replacement community transport services to ensure that there is no loss of services to parents and pupils.

This Council requests the Cabinet to provide a written explanation to members of this Council surrounding the withdrawal letters and to work with the Chair(s) of relevant committee(s) to ensure that members can discharge their democratic duties as scrutineers of Council policy.

Councillor Andy Graham moved and Councillor Kate Gregory seconded the following amendment to the Motion as shown in bold italics and strikethrough below:

~~Oxfordshire's Spare Seats programme has offered children a safe and affordable bus to school for c. 35 years. This Council apologises unreservedly for its decision to send 'withdrawal' letters to parents under its Spare Seats scheme without parental or wider public consultation. The wording of its withdrawal letters caused significant anxiety and distress to parents in predominantly rural areas, with up to 235 children affected in the short term and as many as 1,384 students in the medium term.~~

~~To date, the Council has defended its decision on the basis that it has no legal obligation to operate the scheme, adding that its continuation: "reinforces children travelling to schools further away than their nearest school".~~

Council recognises that a recent letter sent to the parents/guardians of 235 children regarding possible withdrawal of spare seats has caused anxiety. It notes that officers are working to identify commercial or community alternatives for those who are not offered a spare seat from September.

Council recognises that national policy on home to school transport has been followed by all administrations over the past c35 years, and that we continue to provide transport in line with national policy. Council notes that no authority has a legal obligation to operate the spare seats scheme, but recognises the successful efforts of officers over many years in working with schools and parents to identify alternatives where spare seats become unavailable

~~This Council restates its commitment to the Spare Seats scheme and to the principles of safeguarding parental preference, tackling climate change, encouraging social mixing and ensuring children's safety. **The School Transport Working Group has published a review of the scheme and Council asks that its recommendations be assessed by the People Scrutiny Committee as rapidly as possible and its recommendations communicated to the Cabinet**~~

~~This Council requests the ~~Cabinet~~ **Director of Children's Services** to write to all parents/guardians whose children benefit from the scheme to reassure them that this Council is ~~giving active consideration to improving Spare Seats~~ **committed to providing spare seats wherever possible** and/or encouraging replacement community transport services to ensure that there is no loss of services to parents and pupils. ~~This Council requests the Cabinet to provide a written explanation to members of this Council surrounding the withdrawal letters and to work with the Chair(s) of relevant committee(s) to ensure that members can discharge their democratic duties as scrutineers of Council policy.~~~~

Following debate, the amendment by Councillor Andy Graham was put to the vote and was carried by 36 votes to 15.

The substantive motion, as amended, was carried by 36 votes to 15.

RESOLVED (36 to 15):-

~~Oxfordshire's Spare Seats programme has offered children a safe and affordable bus to school for c. 35 years. ~~This Council apologises unreservedly for its decision to send 'withdrawal' letters to parents under its Spare Seats scheme without parental or wider public consultation. The wording of its withdrawal letters caused significant anxiety and distress to parents in predominantly rural areas, with up to 235 children affected in the short term and as many as 1,384 students in the medium term.~~~~

~~To date, the Council has defended its decision on the basis that it has no legal obligation to operate the scheme, adding that its continuation: "reinforces children travelling to schools further away than their nearest school".~~

Council recognises that a recent letter sent to the parents/guardians of 235 children regarding possible withdrawal of spare seats has caused anxiety. It notes that officers are working to identify commercial or community alternatives for those who are not offered a spare seat from September.

Council recognises that national policy on home to school transport has been followed by all administrations over the past c35 years, and that we continue to provide transport in line with national policy. Council notes that no authority has a legal obligation to operate the spare seats scheme, but recognises the successful efforts of officers over many years in working with schools and parents to identify alternatives where spare seats become unavailable

~~This Council restates its commitment to the Spare Seats scheme and to the principles of safeguarding parental preference, tackling climate change, encouraging social mixing and ensuring children’s safety. **The School Transport Working Group has published a review of the scheme and Council asks that its recommendations be assessed by the People Scrutiny Committee as rapidly as possible and its recommendations communicated to the Cabinet**~~

~~This Council requests the ~~Cabinet~~ **Director of Children’s Services** to write to all parents/guardians whose children benefit from the scheme to reassure them that this Council is ~~giving active consideration to improving Spare Seats~~ **committed to providing spare seats wherever possible** and/or encouraging replacement community transport services to ensure that there is no loss of services to parents and pupils. ~~This Council requests the Cabinet to provide a written explanation to members of this Council surrounding the withdrawal letters and to work with the Chair(s) of relevant committee(s) to ensure that members can discharge their democratic duties as scrutineers of Council policy.~~~~

26/23 MOTION BY COUNCILLOR DONNA FORD
(Agenda Item 20)

The time being 3.55 pm, this Motion was considered dropped in accordance with Council Procedure Rule 15.1

27/23 MOTION BY COUNCILLOR FREDDIE VAN MIERLO
(Agenda Item 21)

The time being 3.55 pm, this Motion was considered dropped in accordance with Council Procedure Rule 15.1

..... in the Chair

Date of signing

Divisions- N/A

COUNTY COUNCIL – 16 May 2023

REPORT OF THE CABINET

Cabinet Member: Leader

1. Oxfordshire Inclusive Economy Partnership and Charter *(Cabinet: 21 March 2023)*

Cabinet had before it a report providing an overview of the Oxfordshire Inclusive Economy Partnership (OIEP) including the development and launch of the Oxfordshire Inclusive Economy Charter on 24 January 2023. The report recommended that the Council becomes a signatory to the charter and makes four pledges to demonstrate the Council's commitment to an inclusive economy.

Cabinet agreed amended recommendations to note the establishment of the Partnership, that the Council become a signatory to the Oxfordshire Inclusive Economy Charter, to make four pledges to build on the Council's commitment to become an inclusive economy, and that the OIEP was considered to be a Strategic Body and the Council's representative would be the Leader of the Council with the Cabinet Member for Public Health and Equality as substitute.

Cabinet Member: Adult Social Care

2. Adult Social Care Market Sustainability Plan *(Cabinet: 21 March 2023)*

Cabinet had before it a report recommending approval of a draft Market Sustainability Plan detailing how social care needs would be met in the next 3 years. The proposed plan included an increased offer to providers which would assist them in the current economic climate but recognised radical reform to the provision of services was needed for the long term.

Cabinet agreed to approve the draft plan for publication and Submission to the Department for Health and Social Care (DHSC).

Cabinet Member: Corporate Services and Finance

3. Proposal from Oxford United Football Club to Oxfordshire County Council as landowner: engagement and communications strategy, timeframe and memorandum of understanding *(Cabinet: 21 March 2023)*

Proposal from Oxford United Football Club to Oxfordshire County Council as Landowner: Update
(Cabinet: 18 April 2023)

In March, Cabinet was asked to consider an engagement and communications strategy in relation to the proposal from Oxford United Football Club (OUFC) to use a parcel of Council land known as 'Land to East of Frieze Way / South of Kidlington Roundabout or the triangle' for the development of a new stadium.

The engagement and communication strategy aspects of the report would be undertaken in two phases, both meeting with stakeholder groups and inviting wider feedback. This would take place over a six week period following receipt of the club's proposals.

Cabinet agreed the amended recommendations to approve the engagement and communications strategy, the memorandum of understanding and the timetable for the process.

Then in April, Cabinet had before it a report which provided an update on progress with the negotiations with Oxford United Football Club on the future use of Council-owned land and timetable for provision of a new stadium.

Cabinet noted the progress that had been made and the "likely case" timetable for decision making.

Cabinet Member: Corporate Services

4. Workforce Report and Staffing Data – Quarter 3 – October to December 2022

(Cabinet: 21 March 2023)

Cabinet had before it a report providing an update on the key strategic workforce priority areas for Quarter 3 and a refreshed workforce profile.

A new workforce strategy and action plan was being developed across the organisation. The results of the staff wellbeing survey would be reflected in this work. The survey had illustrated that more needed to be done to support staff, especially in Children's Services and schools.

Cabinet noted the report.

5. ERP Outline Business Case – A Programme for Transforming the Council's Enterprise Business Systems and Processes

(Cabinet: 18 April 2023)

Cabinet had before it a report presenting an outline business case to transform finance, procurement, HR and payroll services and systems within the authority. These services were currently delivered in partnership with Hampshire County Council. The importance of involving staff at all levels of the organisation in the process and ensuring a sequential approach to the project were noted.

Cabinet approved the recommendations to develop a full business case and funding for programme resources and noted that a decision on capital funding would be required in due course.

Cabinet Member: Finance

6. Business Management and Monitoring Report – December 22-January 23

(Cabinet: 21 March 2023)

Cabinet received a report presenting the January 2023 performance, risk, and finance position for the council.

There were significant and persistent challenges around demand for children's social care and the availability of care placements and frontline social work staff.

Inflation and workforce shortages in the wider economy had also impacted on the financial position for the council during 2022/23

Cabinet noted the report and the virements, supplementary estimate and bad debt write-off listed in the report.

7. Capital Programme Monitoring Report – January 2023

(Cabinet – 21 March 2023)

Cabinet had before it a report setting out the monitoring position based on activity to the end of January 2023 - the fourth update for 2022/23. It also included an update to the Capital Programme approved by Council in February 2023 taking into account additional funding and new and/or changes to schemes. There had been reduced forecast expenditure of £14.9m on the capital programme for 2022/23 due to projects starting later than expected.

Cabinet noted the current position, the approval of the Leader of the Council, in accordance with the Council's Financial Regulations for the revised budget provision of £5.4m for the Ploughley Road/A41 Junction Improvement scheme in Bicester and agreed the in-year profiling.

8. Treasury Management – 3rd quarterly report

(Cabinet – 21 March 2023)

Cabinet considered a report covering the treasury management activity for the third quarter of 2022/23 in compliance with the CIPFA Code of Practice on Treasury Management 2021. It provided an update on the anticipated position and prudential indicators set out in the Treasury Management Strategy Statement & Annual Investment Strategy for 2022/23 agreed as part of the Council's budget and Medium Term Financial Strategy in February 2022.

Higher interest rates had resulted in higher than expected interest receivable on the surplus cash held. Some investments have been more challenged, but none have materially damaged the overall Treasury position. The Cabinet were assured that no investments or funds were held with financial institutions that were currently under threat.

Cabinet noted the current position on treasury management activity and referred the report to the Council.

Cabinet Member: Highway Management

9. Highways Contract Procurement – Preferred Model for Approval

(Cabinet:21 March 2023)

Cabinet considered the outcome of work by highway maintenance contract specialists, DMSqd, to determine the most appropriate procurement model for Oxfordshire.

Cabinet agreed the recommendations to approve the preferred model (single provider with greater level of in-house responsibilities and use of frameworks for some activities) for the future highway maintenance contract for Oxfordshire and supported the progression to the next stage of developing and drafting the specification, contract, and other tender documents required for procurement.

Cabinet Member: Travel & Development Strategy

11. Oxfordshire Housing and Growth Deal Update

(Cabinet: 21 March 2023)

Cabinet considered a report updating the existing financial governance arrangements for the Housing and Growth Deal following the receipt of updated requirements for the release of the remaining £30m grant funding from the Department for Levelling-Up, Housing and Communities (DLUHC).

Cabinet agreed the recommendations to accept the terms of the letter, that the Council would take responsibility for decisions necessary to manage the programme in accordance with the updated conditions set out by DLUHC, and noted that it would be necessary to agree revised Terms of Reference and Memorandum of Understanding for the Future Oxfordshire Partnership to reflect the change in responsibility.

Cabinet Member: Public Health and Equalities

12. Cost of Living Support Measures

(Cabinet: 21 March 2023)

Cabinet had before it a report providing an update on delivery of cost of living support in 2022/23 and making recommendations for the disbursement of cost of living resources in 2023/24.

The proposals were targeted at those most vulnerable and those who fell through the gaps between the national schemes. There were proposals to ensure that the increases in Council Tax would not fall on those in the lowest income households and support for discretionary housing payments was being doubled.

Cabinet noted the cost of living support measures delivered during 2022/23, agreed to vary the match funding requirements for Council Tax support agreed in September 2022, and approved the support package for 2023/24.

Scrutiny Reports

13. Reports received from scrutiny committees

(Cabinet, 21 March & 18 April 2023)

Cabinet received reports on, and committed to respond formally to, the following:

- Place Overview & Scrutiny Committee: Water Resources and the South East Regional Plan (25 January 2023)
- Performance and Corporate Services Overview and Scrutiny Committee: Cost of Living Performance (19 January 2023)
- People Overview and Scrutiny Committee: Transitions to Adult Social Care (10 November 2022)
- People Overview and Scrutiny Committee: Children and Adults' Social Care Workforce (10 November 2022)
- People Overview and Scrutiny Committee: Home to School Transport Policy Working Group (12 January 2023)

LIZ LEFFMAN

Leader of the Council

May 2023

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Council
16 May 2023

Annual Report of the Audit & Governance Committee 2022/23

Report by Director of Finance / Director of Law & Governance

RECOMMENDATION

1. **The Council is RECOMMENDED to** note the contents of the Annual Report of the Audit & Governance Committee 2022/23.

Executive Summary

2. The Audit & Governance Committee Annual Report 2022/23 is attached at Appendix 1. The Annual Report contains information relating to the work of Audit & Governance Committee during 2022/23. It is presented to Council, by the Chair of the Audit & Governance Committee, Councillor Roz Smith.

Annual Report

3. Within recommended practice for Audit Committees (CIPFA, Chartered Institute of Public Finance and Accountancy – Audit Committees Practical Guidance 2022), the committee should report on an annual basis to Council on how the committee has discharged its responsibilities.
4. The Annual Report 2022/23 was approved at the March Audit & Governance Committee.

Financial Implications

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

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

Legal Implications

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

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

Staff Implications

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

Equality & Inclusion Implications

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

Sustainability Implications

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

Risk Management

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

Lorna Baxter, Director of Finance
Anita Bradley, Director of Law & Governance

Annex: Annual Report of the Audit and Governance Committee
2022/23.

Background papers: None.

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

May 2023.

**Audit & Governance Committee
Annual Report**

**Report of the work of the Audit & Governance
Committee during 2022-23**

Contents

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Chair's Introduction

As Chair of the Audit and Governance Committee, 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 2022/23.

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.

The Committee continues 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 Brad Baines 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 ROZ SMITH

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 2022/23

Key A&G Committee Activities	May 22	July 22	Sept 22	Nov 22	Jan 23	March 23
Financial Reporting						
Accounting policies – 2021/22 statement of accounts						
Statement of accounts 2021/22						
Statement of accounts training						
Review of Treasury Management Outturn 2021/22						
Treasury Management 2022-23 mid-term review						
Treasury Management Annual Investment Strategy 2023/24						
Treasury Management Update						
Financial Regulations – changes to capital section						
Financial Management Code Compliance Assessment 2022/23						
Update on Capital Governance						
Internal Audit						
Annual Report of the Chief Internal Auditor 2021/22						
Internal Audit Strategy and Plan 2022/23						
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						
Pension Fund Audit						
Governance & Risk Management						
Approval of Annual Governance Statement (AGS) for 2021/22						
Review of AGS action plan						
Risk Management update						
Oxfordshire Fire & Rescue Statement of Assurance						
Community Safety Services Annual Report 2021/22						
Surveillance Commissioner's Inspection and Regulation of Investigatory Powers Act						

Key A&G Committee Activities	May 22	July 22	Sept 22	Nov 22	Jan 23	March 23
Local Government Ombudsman annual report						
Monitoring Officer annual report						
Annual Report of A&G committee – draft						
Scale of election fees and expenditure						
Whistleblowing Policy & annual report						
Annual report of Health and Safety						
Constitution Review - updates						
Local Code of Corporate Governance						
Pension Fund – changes to constitution						
Council motion – re Education Scrutiny Committee						
Member Code of Conduct						
Appointment of Independent Persons						
Update on Highways Contract						
Counter-Fraud						
Approval of Counter-Fraud Strategy and plan for 2022/23						
Counter-Fraud Plan update						

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

Key Audit Working Group activities	June 22	Nov 22	Dec 22	Feb 22
Review of implementation of actions from 21/22 audit of GDPR				
Review of implementation of actions from 21/22 audit of Fleet Management				
Review of implementation of actions from 21/22 audit of Cleaning Asset Management				
Review of governance and risk management processes in relation to HIF (Housing Infrastructure Fund) programmes.				
Update on Oxford North review				
Review of arrangements for payments to providers under new Live Well at Home				
Review of implementation of actions from 21/22 audit of GDPR				

2022/23 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.
- A continued focus for the AWG has been monitoring the improvement actions agreed following the audit of GDPR (General Data Protection Regulation) 2021/22, due to the weaknesses identified. The Committee and AWG are now pleased to note the significant progress that has now been made to effectively address the weakness identified and implement the agreed improvement actions.
- 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 2022/23 have included the governance and risk management processes for the Housing Infrastructure Fund programme and the Council's revised Capital Governance processes.

Our work in 2022/23

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 2021/22, the Treasury Management Mid-term Performance Report 2022/23 and the Treasury Management Strategy Statement and Annual Investment Strategy 2023/24.

Internal Audit

The Committee approved the Internal Audit Strategy for 2022/23, 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.

In response to Internal Audit reports the Committee and the Audit Working Group, has looked in detail at the following areas: Cleaning Asset Management (overall conclusion graded red) Fleet Management (overall conclusion graded amber) and GDPR (overall conclusion graded amber).

The Committee has continued to monitor the resourcing of Internal Audit. The Committee recognise 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 2022 and are 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 2022 meeting.

External Audit

The Council's external auditors, Ernst and Young, attended committee meetings during 2021/22, providing regular updates on their work plan and any matters arising.

The Committee met with the external auditors in a private session in November 2022. The Committee is satisfied that they are free to carry out their duties without restrictions. We are also assured that if identified they would bring any material issues to the attention of the Committee.

Governance & Risk Management

The Committee approved the Annual Governance Statement (AGS) for 2021/22. This included improvement actions for 2022/23, within the following areas: Directorate Schemes of Delegation, Constitution Review, Data Subject Access Requests, Member Code of Conduct Training, Information Governance Group/Board, and Risk Management Training.

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. The Committee, receive regular risk management updates.

The Committee also considered the annual report of the Monitoring Officer; the annual report of the Local Government Ombudsman; the use of the Regulation of Investigatory Powers Act 2000 (RIPA); review of scale of election fees; the annual report of Health & Safety; and the Fire and Rescue Service Annual Statement of Assurance. There were no material issues or concerns arising.

The Committee approved the scope for a review of the Constitution and agreed to the appointment of an informal cross-party Working Group and its terms of reference. The Committee receive regular updates on progress made with the review.

Counter-Fraud

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

The Committee and Audit Working Group receive regular updates from the Chief Internal Auditor on any reported matters of suspected fraud, including investigations. Outcomes of investigations are reported to and monitored by the Audit & Governance 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 very few cases.

Audit & Governance Committee self-assessment 2023

At the end of 2022, CIPFA (The Chartered Institute of Public Finance & Accountancy), issued updated guidelines and position statement to local authority audit committees. As part of those guidelines it is recommended that the committee undertake 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 review of core knowledge and skills.

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.

Where matters for improvement were identified, these have been captured within an action plan. The Chair of the Audit & Governance Committee is overseeing the completion of the planned actions.

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. Recruitment is currently underway. The Committee already has one Independent member who has a well-developed knowledge of how the Council operates.

Divisions Affected – N/A

COUNTY COUNCIL

– 16 May 2022

COMMITTEES AND REVIEW OF POLITICAL BALANCE

Report by Report by the Director of Law & Governance

RECOMMENDATION

The Council is **RECOMMENDED** to:

- (a) **note how the rules operate and approve necessary adjustments to achieve the balance across and within Committees to comply with the rules.**
- (b) **appoint Councillors to the scrutiny and other committees of the Council listed in Annex 3 as required by any changes necessary as a result of applying the proportionality rules, and subject to any changes on the nomination of the political groups.**

Executive Summary

1. The Council is required by the Local Government & Housing Act 1989 to review the political balance on its committees on an annual basis and then in any circumstances set out in Regulations under the 1989 Act. A note is attached (**Annex 1**) which summarises how the rules operate.
2. The last revision took place at the Annual Council meeting on 17 May 2022.
3. Since then, Councillor Hannah Banfield has left the Labour & Cooperative Party Group to become an Independent Non-aligned Member. A further review of political balance now needs to occur to reflect the relative proportion of each Group with regards to seats on the Council.
4. This report therefore invites Full Council to note the revised proportionality and to make any consequential amendments to appointments to committees arising from this. **Annex 2** shows the revised arithmetical product of the rules for the Council's committees.

Corporate Parenting Committee

5. To acknowledge the significance of the Council's corporate parenting role it is proposed that a formal Corporate Parenting Committee is established, under section 101 of the Local Government Act 1972, comprising nine members that will meet four times each year. The terms of reference for the committee are shown at **Annex 4**. The role of the committee will be to ensure that the Council effectively discharges its role as Corporate Parent for all children in care and care leavers.

Implications of the revised proportionality

6. The relative sizes of the Council's Political Groups, and their entitlements to seats, are now as follows:

Political Group	Liberal Democrat/Green Alliance Group	Conservative-Independent Alliance Group	Labour & Co-operative Party Group
Group Size	24	22	15
Revised number of seats – legal/notional entitlement	37	34	23
Actual current number of seats	37	34	24
Number of seats over or under entitlement			One over

7. Cllrs Banfield and Gawrysiak are not members of a political group on the Council and have one committee place each. It is proposed to have one Independent Non-Aligned Member on the new Corporate Parenting Committee.
8. Looking at the overall proportionality in the table above, the position is that the seat allocation is in balance overall save for a surplus of one for the Labour & Cooperative Party. The precise proportions of the 98 seats for each group are:

Liberal Democrat / Green Alliance	37.333
Conservative Independent Alliance	34.222
Labour & Cooperative Party Group	23.333

The Liberal Democrat / Green Alliance and the Labour Party Cooperative Group share the highest decimal remainders. Following consultation between the two group leaders it has been agreed that the Labour & Cooperative Party Group will retain the extra seat.

As no other group has an entitlement to another seat – it is not proposed to change the above allocation. The Council may decide to make other changes

although these must still reflect political proportionality (only if the Council decides with no dissenting vote can the seat entitlements be varied).

Appointments

9. Council is asked to consider the appointments to committees and to confirm them as reflecting as far as practicable subject to any changes on the nomination of the political groups.

Legal Implications

10. Seats must be allocated in relation to political proportionality unless there is a decision to the contrary taken with no member voting against. Where appointments to committees fall to be made to any particular political group in order to reflect their entitlement to seats overall, and on individual committees, the Council must give effect to the wishes of the relevant Group as expressed through that Group's Leader or Deputy Leader. The rules on political balance are contained in Sections 15, 16 and 17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. This report is consistent with these.

Comments checked by: Anita Bradley, Director of Law and Governance
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Financial Implications

11. There are no financial implications arising from the recommendations in this report.

Comments checked by:

Lorna Baxter, Director of Finance lorna.baxter@oxfordshire.gov.uk

ANITA BRADLEY
Director of Law & Governance and Monitoring Officer

Annex: Annex 1 – Local Government & Housing Act 1989 -
Political Balance
Annex 2 – Calculations
Annex 3 – Committee Membership
Annex 4 – Corporate Parenting Committee – Terms of
Reference

Contact Officer: Simon Harper, Head of Governance,
simon.harper@oxfordshire.gov.uk

May 2023

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Sections 15,16 and 17 Local Government & Housing Act 1989 - Political Balance

General Description of the Rules

1. For most local authority committees and sub-committees and for certain other appointments, the 1989 Act requires the Council to allocate seats to political groups in accordance with the groups' proportionate strength on the Council as a whole.
2. The political balance requirement applies only where political groups have been set up, but where it does apply the allocation to committees has to be reviewed annually. A review is also required on the formation of a new political group or if requested by a member newly joining a group.
3. A committee must review the allocation of seats on its sub-committees following any change in the committee's membership as a result of a 1989 Act review.

The Allocation

4. The allocation process depends on the proportionate strengths of the political groups and the nature of the committee, sub-committee or other body concerned. The following rules apply:
 - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee. For this purpose only, the calculation must include seats occupied by voting co-optees on a scrutiny committee or sub-committee concerned with education.
 - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.
 - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
 - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).
 - (v) The allocations of seats to political groups are rounded up or down to the nearest whole number. Where the allocations leave a seat or seats unfilled on a committee, sub-committee or other body those seats must be allocated to any independent members of the Council.
5. Except where a "no dissent" alternative (as described below) is adopted, application of these principles, "so far as reasonably practicable", is mandatory. Once the allocations have been agreed under this procedure, the appointment

of individual members must then be made in accordance with the wishes of the respective groups.

Alternatives where “No Dissent” – S17 Local Government and Housing Act 1989

6. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed.

Annex 2

This annex is for information. It outlines political groups' notional entitlements to membership of committees under the revised political proportionality rules in red. The proposed number of seats is in black.

The total number of committee places is 98. Of those, the Lib Dem /Green Alliance is entitled to 37 seats, the Conservative Independent Alliance is entitled to 34 and the Labour and Co-operative Party is entitled to 23. Independent Councillors have 3 committee seats (Corporate Parenting Committee, Horton HOSC, Planning and Regulation Committee).

Main Committees with entitlements	Lib Dem/Green Alliance	Conservative Independent Alliance	Labour and Co-operative Party	Independent
Audit & Governance Committee (9 person committee)*	3.4 4	3.1 3	2.1 2	
BOB HOSC (7)	2.7 3	2.4 2	1.7 2	
Charlotte Coxe Trust Committee (5)	1.9 2	1.7 2	1.2 1	
Corporate Parenting Committee (9) NEW	3.4 3	3.1 3	2.14 2	1
Future Oxfordshire Partnership Scrutiny Committee (3)	1.1 1	1.0 1	0.7 1	
Horton HOSC (8)*	3 3	2.8 3	1.9 1	1 holding a L&CP seat

Main Committees with entitlements	Lib Dem/Green Alliance	Conservative Independent Alliance	Labour and Co-operative Party	Independent
OJHOSC (7)	2.7 3	2.4 2	1.7 2	
People (9)*	3.4 3	3.1 4	2.1 2	
Pension Fund Committee (5)	1.9 2	1.7 2	1.2 1	
Performance & Corporate Services (9)*	3.4 3	3.1 3	2.1 3	
Place (9)*	3.4 4	3.1 3	2.1 2	
Planning & Regulation Committee (12)*	4.6 4	4.2 4	2.9 3	1 holding one of the 5 LD/G seats
Remuneration Committee (6)*	2.3 2	2.1 2	1.4 2	
Overall current number of seats (98)	37	34	24	3
Overall entitlement	37.3 37	34.2 34	23.3 23	

* Please note, in relation to these Committees, seat allocation is not based on a strict application of the rules but is to achieve overall balance.

Committee Membership

**Liberal Democrat Green Alliance: 37; Conservative Independent Alliance: 34;
Labour and Co-Operative Party Group 24; plus 3 Independents**

Main Committees	Liberal Democrat / Green Alliance	Conservative Independent Alliance	Labour & Co-Operative Party	Ind
Audit & Governance Committee(9)	4	3	2	
	Roz Smith Ch	Ted Fenton	Brad Baines D-Ch	
	Freddie van Mierlo	Yvonne Constance	Trish Elphinstone	
	Judy Roberts	Nick Leverton		
	Ian Middleton			
BOB HOSC (7)	3	2	2	
	Jane Hanna	Nick Leverton	Imade Edosomwan	
	Nathan Ley	Nigel Champken-Woods	Damian Haywood	
	Freddie van Mierlo			
Charlotte Coxe Trust Committee (5)	2	2	1	
	Robin Bennett	Felix Bloomfield D-Ch	Geoff Saul Ch	
	Freddie van Mierlo	Jane Murphy		
Corporate Parenting Committee (11)	3	3	2	1
	Membership TBD			
Future Oxfordshire Partnership Scrutiny Panel (3)	1	1	1	
	Richard Webber	Liam Walker	Brad Baines	
Horton HOSC (8)	3	3	1	1
	Freddie van Mierlo	Arash Fatemian	Mark Cherry	Hannah Banfield

	Jane Hanna	Kieron Mallon		
	Nathan Ley	Eddie Reeves		
Oxfordshire Joint HOSC (7)	3	2	2	
	Jane Hanna Ch	Nick Leverton	Imade Edosomwan	
	Dan Levy	Nigel Champken-Woods	Damian Haywood	
	Nathan Ley			
Pension Fund Committee (5)	2	2	1	
	Bob Johnston Ch	Nick Field-Johnson	Imade Edosomwan	
	John Howson	Kevin Bulmer D-Ch		
People Overview & Scrutiny Committee (9)	3	4	2	
	Andy Graham	Liam Walker	Trish Elphinstone	
	Sally Povolotsky	Michael Waine	Michael O'Connor	
	Bethia Thomas	Nigel Simpson Ch		
		Nick Leverton		
Performance & Corporate Services Overview & Scrutiny Committee (9)	3	3	3	
	Ian Middleton	Eddie Reeves Ch	Michael O'Connor D-Ch	
	Neil Fawcett	Kieron Mallon	Brad Baines	
	Bob Johnston	Donna Ford	Damian Haywood	
Place Overview & Scrutiny Committee (9)	4	3	2	
	Judy Roberts	Arash Fatemian	Charlie Hicks D-Ch	

	Richard Webber	Ted Fenton	Brad Baines	
	Kate Gregory	Kieron Mallon		
	Freddie van Mierlo			
Planning & Regulation Committee (12)	4	4	3	1
	Richard Webber D-Ch	Les Sibley	Geoff Saul Ch	Stefan Gawrysiak
	Judy Roberts	Felix Bloomfield	Mohamed Fadlalla	
	David Rouane	Ian Snowdon	Imade Edosomwan	
	Robin Bennett	Yvonne Constance		
Remuneration Committee (6)	2	2	2	
	Liz Leffman Ch	Eddie Reeves	Liz Brighthouse D-Ch	
	Alison Rooke	Donna Ford	Glynis Phillips	

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- Corporate Parenting Committee
- (1) To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement between children in care and their peers.
 - (2) To ensure that children in care are protected and supported to develop as healthy citizens, able to participate in their community.
 - (3) To make sure that the voice of the child and young person in care and leaving care influences both policy and the services that they receive, and that young people are engaged with any action intended to develop and improve services.
 - (4) To oversee and monitor key performance indicators relating to the placement and housing provisions, health, well-being and education of children in care and care leavers.
 - (5) To consider the outcomes of regulatory visits and inspection reports relating to children in care and care leavers.
 - (6) To celebrate the achievements of children in care, their carers and care leavers.
 - (7) To ensure that elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and care leavers.

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Oxfordshire County Council Calendar of Meetings 2023/24¹

Council	Cabinet	Cabinet Member Decisions for Leader; Deputy Leader inc. Children, Education & Young People's Services; Community Services & Safety; Corporate Services; and Finance	Cabinet Member Decisions for Climate Change Delivery & Environment Cabinet Member Decisions for Travel & Development Strategy	Cabinet Member Decisions for Adult Social Care Cabinet Member Decisions for Public Health & Equality	Cabinet Member Decisions for Highway Management
Tuesday 10.30am	Tuesday 2.00pm	Tuesday 3.00 pm or on the rise of Cabinet	Thursday 2.00 pm	Tuesday 9.00am	Thursday 10.00am
2023 16 May – Annual Council 11 Jul 12 Sept 7 Nov 12 Dec 2024 13 Feb 16 Apr ² 21 May 2024 – Annual Council	2023 23 May 20 Jun 18 Jul 19 Sept 17 Oct 21 Nov 19 Dec 2024 23 Jan 20 Feb 19 Mar 23 Apr	2023 23 May 20 Jun 18 Jul 19 Sept 17 Oct 21 Nov 19 Dec 2024 23 Jan 20 Feb 19 Mar 23 Apr	2023 25 May 22 Jun 20 Jul 7 Sept 12 Oct 16 Nov 14 Dec 2024 25 Jan 22 Feb 21 Mar 25 Apr	2023 6 Jun 4 Jul 5 Sept 3 Oct 14 Nov 5 Dec 2024 9 Jan 6 Feb 12 Mar 30 Apr	2023 25 May 22 Jun 20 Jul 7 Sept 12 Oct 16 Nov 14 Dec 2024 25 Jan 22 Feb 21 Mar 25 Apr

Oxfordshire County Council Calendar of Meetings 2023/24¹

People Overview & Scrutiny Committee	Performance & Corporate Services Overview & Scrutiny Committee	Place Overview & Scrutiny Committee	Oxfordshire Joint Health Overview & Scrutiny Committee	Audit & Governance Committee	Planning & Regulation Committee	Pension Fund Committee	Health & Wellbeing Board
Thursday 10.00 am	Friday 10.00am	Wednesday 1.00pm	Thursday 10.00am	Wednesday 2.00pm	Monday 2.00pm	Friday 10.00am	Thursday 2.00pm
2023 15 Jun 14 Sep 9 Nov 2024 18 Jan 28 Mar	2023 14 Jul 29 Sep 8 Dec 2024 19 Jan 19 Apr	2023 28 Jun 13 Sep 15 Nov 2024 7 Feb 17 April	2023 8 Jun 21 Sept 23 Nov 2024 8 Feb 18 Apr	2023 19 Jul 20 Sept 29 Nov 2024 10 Jan 13 Mar 8 May	2023 5 Jun 17 Jul 4 Sept 16 Oct 27 Nov 2024 15 Jan 26 Feb 15 Apr	2023 9 Jun 8 Sept 1 Dec 2024 1 Mar	2023 29 Jun 5 Oct 7 Dec 2024 14 Mar

Oxfordshire County Council Calendar of Meetings 2023/24¹

Teachers Joint Consultative	Employees Joint Consultative	Fire Service Joint Consultative	Local Pension Board	Thames Valley Police & Crime Panel
Thursday 2.00pm	Thurs 2.00pm	Friday 10.00am	Friday 10.30am	Friday 11.00am
2023 13 Jul 2 Nov 2024 7 Mar	2023 29 Jun 28 Sep 30 Nov 2024 1 Feb	2023 23 Jun 22 Sept 15 Dec 2024 8 Mar	2023 7 Jul 20 Oct 2024 26 Jan 3 May	2023 23 Jun 15 Sept 13 Nov 2024 26 Jan 15 March

Notes

¹ Dates are subject to change. The website will be updated and Members notified accordingly.

² April Council meeting put back to avoid Easter school holidays

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Divisions: ALL

COUNCIL – 16 May 2023

SCHEME OF DELEGATION

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

COUNCIL IS RECOMMENDED to approve the Scheme of Delegation as it relates to Council functions including the amendments to Part 7.1 and Part 7.2 of the Council Constitution annexed to this report.

Executive Summary

1. The Council is required annually to agree the Officer Scheme of Delegation within the Constitution as it relates to Council functions.
2. Changes have been made to Part 7.1 of the Constitution to reflect
 - a) The appointment of the Interim Executive Director: People, Transformation and Performance.
 - b) The departure of the Corporate Director: Customer Services, Organisational Development and Resources on 5 May 2023 and the transfer of duties agreed by the Chief Executive.
3. In accordance with the report presented to Council on 28 March 2023, the Interim Executive Director: People, Transformation and Performance will lead the transformation programme for people services (adults, children, public health and community safety). They will be the line manager for the Corporate Director: Public Health and Community Safety, Corporate Director: Adult Social Care and Corporate Director: Children's Services.
4. Following the departure of the Corporate Director: Customer Services, Organisational Development and Resources, the Interim Executive Director: People, Transformation and Performance takes strategic accountability for cultural and customer services, equalities, diversity and inclusion, Coroner and Registration Service, libraries, property services and partnerships. The Director of Finance takes strategic accountability for human resources and organisational development, and digital, innovation and IT. The Chief Executive takes strategic accountability for communications, strategy and insight.

5. The opportunity has also been taken to make a number of other minor adjustments to Part 7.1 to reflect individual Corporate Director responsibilities and current job titles. All of the changes are highlighted in Annexes 1 and 2.
6. Part 7.2 of the Constitution has been updated at 6.3 to reflect the transfer of the Returning Officer role from the Director of Law and Governance to the Chief Executive. Section 6.3 has also been updated to include the Chief Executive's overall responsibility for emergency planning, disaster recovery and resilience, and health and safety.
7. At Section 6.4 of Part 7.2, the specific powers and functions of the Director of Law and Governance have been updated to include 'the approval of attendance of councillors at conferences and councillor claims for expenses including travelling, subsistence and accommodation'.

Financial implications

8. None arising directly from this report

Legal implications

9. The consideration of this report and subsequent decision on its content fulfils a legal obligation of the Council. A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended. As set out in The Local Government Act 2000 (Constitutions)(England) Direction 2000 the Constitution must include a description of those powers of the Council and of the local authority executive which are exercisable by an officer. This is set out in the Officer Scheme of Delegation and Council is requested to agree the Scheme of Delegation as it relates to Council functions.

Comments checked by: Anita Bradley, Director of Law and Governance

Equality and inclusion implications

9. None arising directly from this report

Sustainability implications

10. None arising directly from this report

Risk management

11. None arising directly from this report

Anita Bradley
Director of Law & Governance and Monitoring Officer

Annex 1: Revised Part 7.1 of the Council Constitution
Annex 2: Revised Part 7.2 of the Council Constitution

Contact Officer: Simon Harper, Head of Governance
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May 2023

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Officers

1. Management Structure

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

Post	Principal Areas of Service
Chief Executive	Head of the Council's Paid Service; corporate management and promotion of the Council's strategic objectives; overall responsibility for emergency planning, disaster recovery and resilience as defined in the Civil Contingencies Act 2004; overall responsibility for health and safety as it relates to the functions of the Council (Health and Safety at Work Act 1974); corporate strategy; insight, marketing and communications.
Executive Director: People, Transformation and Performance (Interim)	Transformation programme for people services (adults, children, public health and community safety); line management of Corporate Director: Public Health and Community Safety, Corporate Director: Adult Social Care and Corporate Director: Children's Services; community hubs; cultural and customer services; equalities, diversity and inclusion; Coroner and Registration Service; libraries; property services; partnerships.
Director of Law & Governance	Monitoring Officer; the Constitution and corporate governance framework; ethical governance; Legal Services and advice; support for councillors and the democratic process; Local Government and Social Care Ombudsman; information governance.

Director of Finance (Chief Finance Officer)	Corporate financial management and administration; internal audit & counter fraud, procurement; Oxfordshire Local Government Pension Fund; Section 151 Officer; human resources and organisational development; health and safety; digital, innovation and IT.
Corporate Director: Public Health & Wellbeing	Statutory role including: delivery of the council's public health duties; steps to improve the health of the people in its area; planning for, and responding to, emergencies that present a risk to the public's health. Services in connection with teenage pregnancy; drugs and alcohol; fire and rescue services*; trading standards; animal welfare; gypsy and traveller service; emergency planning; community safety. *NB The Chief Fire Officer has statutory responsibility for the fire and rescue service.
Corporate Director: Adult Social Care	Statutory role including: responsibility for adult social care including improving preventative services and delivering earlier intervention; tackling inequalities and improving access to services; increasing support for people with the highest levels of need; promoting social inclusion and wellbeing. Delivery of adult social care including residential and nursing care; supported living; intermediate care; home support; assessment and re-ablement; occupational therapy; sensory impairment; mental health; carers services; translation and interpretation; adult learning.

Corporate Director: Children's Services	Statutory role including: discharging the education and children's social services functions of the local authority; leadership, strategy and effectiveness of local authority children's services; securing the provision of services which address the needs of all children and young people. Delivery of social care and education services including: early years and childcare; family support; fostering and adoption; looked-after children; residential and leaving care; asylum seekers; child protection; school performance; resourcing and support for schools; school governor support; school admissions; school transport (policy); special educational needs; behaviour support; youth service; youth justice.
Corporate Director: Environment and Place	Highways; network management; road safety and travel planning; transport development control; mainstream school and special needs transport; bus services; countryside and rights of way services; archaeological service; economic development; environmental and climate change policies. Development plans and developer funding; strategic development schemes; spatial and minerals and waste planning; waste management; local highway authority responses to consultations on planning applications.

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

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

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

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

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.
- (c) **Urgency.** The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence, and it is impracticable to secure authority to act where such authority would otherwise be required. The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act. Key decision procedures and call-in procedures (Parts 8.1 and 6.2 of the Constitution) will apply to any key decisions taken under this authorisation.

3. Functions of the statutory post of Monitoring Officer

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

executive function, to the Cabinet, if he or she considers that any proposal, decision or omission has or would be likely to give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.¹

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

4. Functions of the statutory position of Chief Finance Officer

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

¹ Section 5 of the Local Government & Housing Act 1989

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.²
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

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

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

6. Deployment and Management of Staff in General

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

7. Powers Exercisable by Officers

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

8. Sub-Delegation to Designated Officers

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

² Section 151 of the Local Government Act 1972

9. Conduct of Officers

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations.

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Scheme of Delegation to Officers

1. Introduction

- 1.1. This scheme of delegation authorises the relevant officers to exercise the functions of the Council as set out in this scheme and the Constitution. For the purpose of this scheme, 'officers' includes those officers included in Part 7.1 of the Constitution.
- 1.2. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Cabinet, the Council's committees and sub-committees and their own powers of delegation and by the officers mentioned within 1.1 above.
- 1.3. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.
- 1.4. The Council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her.
- 1.5. For the avoidance of doubt:
 - (a) the Chief Executive has over all other officers the powers which they are entitled to exercise under this Scheme;
 - (b) an officer may refer any matter to the Council, the Cabinet, or a committee of the Council as appropriate either:
 - (i) in lieu of exercising his/her powers in relation to that matter; or
 - (ii) for consultative purposes before exercising those powers;
 - (c) the power to exercise any function includes the power to exercise that function in a positive or negative manner or to refuse to exercise the function;
 - (d) nothing in this Scheme prevents the Council, the Cabinet or a committee of the Council from exercising a function in place of an officer;
 - (e) in this Scheme references to the Cabinet shall be taken to include the relevant Cabinet Member, or a committee of the Cabinet insofar as the function concerned has for the time being been delegated to such member or committee;
 - (f) any exercise of delegation making incorrect references to any part of the Constitution, relevant statute, legislation or bylaw shall not of itself invalidate the authorised delegation.

2. Principles of Delegation

- 2.1. The Chief Executive and other officers (as defined in paragraph 1.1 of this Scheme) – are empowered to make decisions on behalf of the Council in accordance with the following general principles:
- (a) If a function, power or responsibility has not been specifically reserved to the Council, a committee, or the Cabinet, the other officers within whose remit the matter falls is authorised to act.
 - (b) The Council, its committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and the other officers have express authority to take all necessary actions to implement Council, committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
 - (c) The Chief Executive and the other officers are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
 - (d) The Chief Executive and the other officers are empowered to take all necessary decisions in cases of emergency¹.
 - (e) In relation to all delegated authority conferred on the other officers by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit.
 - (f) Where an officer is absent from the workplace for a period of time that requires others to exercise delegated authority in the officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
 - (g) Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or their nominee is authorised to act;
 - (h) All officers are empowered to act as deputies of the Chief Executive in his/her absence, subject to the following:

¹ For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that failure to act would seriously prejudice the Council's or the public's interests. Such interests are to be interpreted widely and include (but are not limited to) the risk of damage to property or threat to the health or wellbeing of an individual.

- (i) In the first instance, the person deputised to act will be the other officer named on the duty rota operated by the Council.
 - (ii) In the absence of both the Chief Executive and the duty rota officer, any other officers may deputise for the Chief Executive in consultation with the Director of Law & Governance Officer and Chief Finance Officer.
- (i) Anything delegated to an officer is also delegated to the Chief Executive;
 - (j) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
 - (k) The exercise of delegated functions shall be in accordance with the managerial requirements of the Chief Executive otherwise than in matters of professional expertise, and subject to the legal requirements of the Director of Law & Governance and the financial requirements of the Director of Finance.
- 2.2. In deciding whether or not to exercise such delegated powers, the Chief Executive and the other officers should consider whether to consult the appropriate Cabinet member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
- 2.3. The Chief Executive and the officers may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.

3. Recording of Delegations and Decisions

- 3.1. All delegations conferred under this scheme must be recorded in writing by the Chief Executive and the other officer in such a form as the Director of Law and Governance may prescribe (including for the avoidance of doubt any delegation under paragraph 2.1(e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name.
- 3.2. Each officer will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention.
- 3.3. The Director of Law and Governance will maintain a central record of all delegations under this scheme and make this available for public inspection. The record shall be kept up to date according to any additions or other variations to the powers and functions which are delegated to officers.
- 3.4. Any decision of an officer having substantive effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. Any key decision shall be recorded as required by the

Access to Information Rules and notification given in accordance with the Scrutiny Procedure Rules at Part 6.2 of this Constitution.

4. Scope of Powers

- 4.1. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 4.2. Without prejudice to the generality of the foregoing the Chief Executive and the other officers shall have the power:
- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - (i) invitation and acceptance of tenders, subject to the Contract Procedure rules at Part 8.3 of this Constitution;
 - (ii) preparation and submission of bids for external funds or grants for purposes related to the provision of services and acceptance of such funds and grants on such terms and conditions as may be agreed, subject to consulting the Director of Law and Governance where contractual obligations are involved;
 - (iii) write-off of irrecoverable amounts (including bad debts) up to such limit as may for the time being be prescribed by the Financial Procedure Rules at Part 8.2 of this Constitution subject in each case to the written approval of the Director of Finance (or of a member of his/her staff nominated by him/her for that purpose) and to such approval being shown in the accounting records;
 - (iv) virement (within the budget framework);
 - (v) disposal and acquisition of assets;
 - (vi) subject to the requirements of the Director of Law and Governance given either generally or in a particular case, the issue of formal notices, orders, instructions and instruments required under any legislation relating to his/her functions and areas of service or otherwise to give legal effect to the exercise of the powers set out above;

- (vii) authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council, subject to authorisation by the Director of Law and Governance;
 - (viii) the negotiation of agreements or arrangements with other directorates of the Council or other companies or organisations relating to the provision of services for his/her directorate;
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
- (c) in the case of any overspend to notify the Director of Finance in the role of Section 151 officer in accordance with the Financial Procedure Rules and regulations;
- (d) subject to the Officer Employment Rules set out at Part 8.4 of this Constitution, to determine staffing arrangements within his or her directorate within approved budgets (except for staff employed in schools with delegated budgets), including:
- (i) appointments, unless the power to appoint to a particular post rests with the Council or a committee of the Council;
 - (ii) dismissal of any employee subject to the concurrence of the Director of Human Resources (except where the power of dismissal is vested by law in the other officer);
 - (iii) the transfer of posts within the total establishment of his/her directorate;
 - (iv) all disciplinary matters;
 - (v) granting ex-gratia payments up to a limit determined by the Director of Law and Governance to employees who have suffered loss of, or damage to, personal property in the course of their work;
 - (vi) extending an employee's sick leave on half pay for a period not exceeding the equivalent period of half pay already received; and
 - (vii) granting up to 10 days' additional paid leave on compassionate grounds, or up to twelve months unpaid leave;
 - (viii) granting unpaid leave beyond twelve months, and any other exceptional request for leave, subject to the agreement of the Director of Human Resources and the Director of Finance.

- (e) to take all action to recruit, appoint, develop, manage and reward employees, in accordance with legislation and within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service for staff.

5. Delegation in Practice

5.1. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:

- (a) a key decision should be taken in accordance with the relevant requirements (including the requirements for the recording of such decisions under Rule 18 of Part 8.1 of this Constitution);
- (b) the views of the relevant Cabinet member(s) and committee chair following the application of the consultation criteria set out in paragraph (c) below;
- (c) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet member(s) or committee chair(s) from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- (d) consultation in accordance with the Council's consultation strategy and the views emanating from that process;
- (e) the range of available options;
- (f) the staffing, financial and legal implications;
- (g) the assessment of any associated risks in accordance with the Council's risk management strategy;
- (h) the involvement of appropriate statutory officers and/or other officers;
- (i) the relevance of any regional or national guidance from other bodies;
- (j) the Council's Constitution, including the Forward Plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.

5.2. Any member may request that executive decisions taken by officers under delegated powers are scrutinised by the appropriate scrutiny committee.

6. Specific Powers and Functions

6.1. Subject to the foregoing and without prejudice to the general effect of this scheme, the Chief Executive and the other officers designated for the purpose may exercise such specific powers and functions:

- (a) in the capacity of proper officer; or
- (b) otherwise on behalf of the Council, the Cabinet or a committee of the Council

as may be delegated to them from time to time. The powers and functions which are for the time being delegated to the Chief Executive, Director of Law and Governance and the Director of Finance are listed in this section.

6.2. The Director of Law and Governance shall keep this scheme of delegation up to date according to any additions or other variations to the powers and functions of the Chief Executive, Director of Law and Governance, the Director of Finance and the other officers.

6.3. The **Chief Executive** is authorised to undertake:

- (a) The functions under Section 4 of the Local Government and Housing Act 1989 as the Head of Paid Service of the Council, and in accordance with Part 7.1 of this Constitution.
- (b) Allocation of accommodation for the purposes of the Council, the Cabinet, committees, sub-committees and members.
- (c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate other officer and thereafter:
 - (i) in the case of an executive function, with the Leader of the Council or, in his/her absence, the Deputy Leader of the Council; or
 - (ii) in any other case, with the Chair of the relevant committee or sub-committee or, in his/her absence, the Deputy Chair of the relevant committee or sub-committee.

Any exercise of these functions shall be reported to the Cabinet or other relevant committee or sub-committee and shall be published on the website as soon as possible.

- (d) Following consultation with employees' representatives and with the Cabinet Member having responsibility for human resources and any other member(s) of the Cabinet whose responsibilities include a service particularly affected, approval of amendments to the County Council's personnel policies and procedures, subject to reference being made to the Cabinet where either:

- (i) they would have material budget implications; or
 - (ii) material concerns about them have been expressed by the employees' representatives.
- (e) The powers and duties of County Returning Officer for the purposes of Section 35 of the Representation of the People Act 1983.
 - (f) Overall responsibility for emergency planning, disaster recovery and resilience as defined in the Civil Contingencies Act 2004.
 - (g) Overall responsibility for health and safety as it relates to the functions of the Council (Health and Safety at Work Act 1974).

6.4. The Director of Law and Governance is authorised to:

- (a) take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document; and authority to apply the Common Seal of the County Council to deeds in order to execute them;
- (b) institute, defend, settle or participate in any legal proceedings or disputes in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law and Governance considers that such action is necessary to protect the Council's interests;
- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Cabinet, committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where he/she considers formal representation to be proper, including the incurring of such fees in respect thereof as may be appropriate;
- (d) authorisations under Section 223 of the Local Government Act 1972 (appearance by persons other than solicitors in legal proceedings);
- (e) acting as trustee on behalf of the Council in respect of any matter whereon he/she considers such action to be appropriate;
- (f) enter objections to any proposal affecting the County, the Council or the inhabitants of the County;
- (g) undertake the following proper officer functions of the Council under the Local Government Act 1972:
 - (i) Declaration of Acceptance of Office (Section 83);
 - (ii) Notice of Resignation of Office (Section 84);

- (iii) Convening of and Summonses to Meetings (Section 88 & Schedule 12);
 - (iv) Filling of Casual Vacancies (Section 89);
 - (v) Ordnance Survey (Section 191);
 - (vi) Charitable Trusts (Section 210);
 - (vii) Deposit of Documents (Section 225);
 - (viii) Certificate of Photographic Copies of Documents (Section 229);
 - (ix) Authentication of Documents (Section 234);
 - (x) Procedure etc. for Bye-Laws (Section 236);
 - (xi) Evidence of Bye-Laws (Section 238);
 - (xii) Enactments relating to Town & Country Planning (Schedule 16 where not repealed)
 - (xiii) Adaptations, Modifications and Amendments of Enactments (Schedule 29);
- (h) the functions of Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989 and in accordance with Part 7.1 of this Constitution;
- (i) the proper officer functions of the Council for the purposes of giving public notice of the receipt of a report from the Local Government and Social Care Ombudsman, for the purposes of Part III of the Local Government Act 1974;
- (j) following consultation with the Director of Finance and with the Leader and Deputy Leader of the Council, approval of new or amended operational policies and procedures for the governance of the Council, subject to reference being made to the Cabinet where either:
- (i) they would have material budget or substantive policy implications; or
 - (ii) material concerns about them have been expressed by the employees' representatives;
- (k) such proper officer functions of the Council other than those specified in this section as are not specifically delegated to any other officer;
- (l) the functions under Section 16(1) and Section 16(2) of the Local Government and Housing Act 1989 to give effect to the wishes of the political groups as regards membership of scrutiny committees and committees of the Council;
- (m) the proper officer functions of the Council for the purposes of Part VA of the Local Government Act 1972 (Access to Information);
- (n) making of appointments to outside bodies in accordance with the Council's published arrangements relating to representation on outside bodies;

- (o) making of appointments to school admission and exclusion appeal panels and school transport appeal panels;
- (p) to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group in each case;
- (q) authorisation of the reproduction or display of the Council's armorial bearings or any part thereof;
- (r) as Monitoring Officer, the functions of the 'qualified person' under the Freedom of Information Act 2000 (Section 36(5)(o)(iii)) for determining whether the exemptions under Section 36 are engaged;
- (s) approve councillor attendance at conferences and councillor claims for expenses including travelling, subsistence and accommodation.

6.5 The **Director of Finance** is authorised to undertake:

- (a) The proper officer functions of the Council for the purposes of Section 115 of the Local Government Act 1972 (Receipt of Money) and for the administration of the Council's financial affairs under Section 151 of the Act, and in accordance with Part 7.1 of this Constitution.
- (b) The proper officer functions of the Council for the purposes of Section 146 of the Local Government Act 1972 - Transfer of Securities.
- (c) The functions of 'responsible officer' for the purposes of financial administration under the Local Government Finance Act 1988.
- (d) Functions as the officer responsible for maintaining an adequate and effective system of internal audit.
- (e) Implementation of pay awards made nationally or locally under procedures recognised by the Council.
- (f) The making of investments of the County Pension Fund in accordance with the policies determined by the Pension Fund Committee.
- (g) Determination of cases of whether the education or training should be treated as continuous where an eligible child for the payment of a dependent's pension benefit under the Local Government Pension Scheme Regulations is over 17 and has been engaged continuously in full-time education or in training for a trade, profession or vocation has

taken a gap year, subject to a report to the Pension Fund Committee on such determinations.

6.6 Other Officers

Each officer is authorised to act on behalf of the Council in relation to any operational matters within the service areas for which s/he is responsible as set out in Part 7.1, subject to the provisions of Part 7.2 of this Constitution. The Officer will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention under this Schedule.

- 6.7 For the avoidance of doubt, the delegation to the Corporate Director for Environment and Place includes the power, jointly with the Director of Law and Governance, to determine applications for certificates of lawfulness of existing or proposed use or development.

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