



County Council

1 November 2022

Agenda

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or email democracy@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

To: **Members of the County COUNCIL**

Notice of a Meeting of the County Council

Tuesday, 1 November 2022 at 10.30 am

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

If you wish to view proceedings, please click on the link on the website. Please note, that will not allow you to participate in the meeting.



Stephen Chandler
Interim Chief Executive

October 2022

Committee Officer: **Chris Reynolds**
Tel: 07542 029441; E-Mail: chris.reynolds@oxfordshire.gov.uk

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.

Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.

AGENDA

1. Minutes (Pages 1 - 16)

To approve the minutes of the meeting held on 7 October 2022 (**CC1**)

2. Apologies for Absence

3. Declarations of Interest - see guidance note

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

4. Official Communications

5. Appointments

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

6. Petitions and Public Address

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

To facilitate 'hybrid' meetings we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e., 9am on Wednesday 26 October 2022. Requests to speak should be sent to chris.reynolds@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.

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Report of the Cabinet (Pages 17 - 22)

Report of the Cabinet meetings of 20 September and 18 October 2022

10. Dispensation from attending meetings (Pages 23 - 24)

Report by Director of Law & Governance and Monitoring Officer

Council is RECOMMENDED to

(a) Grant a dispensation to Cllr Nick Field-Johnson from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance for family reasons.

(b) Approve that the dispensation last up to and including 31 December 2022.

11. Officer Scheme of Delegation (Pages 25 - 46)

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 and the amendments to the parts of the Council's Constitution annexed to this report (which include a revised Officer Scheme of Delegation) where these are not already within the delegations granted to the Director of Law and Governance

12. Calendar of meetings 2023/24 (Pages 47 - 52)

Report by the Director of Law & Governance and Monitoring Officer

COUNCIL IS RECOMMENDED to approve the calendar of meetings for the 2023-24 civic year attached to the report.

13. Capital Governance - Amendments to the Financial Regulations, Section 5, Capital (Pages 53 - 70)

Report of the Director of Finance

Council is RECOMMENDED to

Approve the amendments to the Financial Procedure Rules (Financial Regulations, Section 5 'Capital') as set out in Annex 1, as recommended by the Audit and Governance Committee.

MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

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

14. Motion by Councillor Roz Smith

This Council notes:

There are over 2 million employees providing unpaid care to friends and family members, such as personal care, medical and social support, and attending appointments.

The pressure on people as they balance their work with caring is hard. This Council believes that more action is needed to support people in employment with caring responsibilities.

Council therefore proposes to support the Carer's Leave Bill being brought to Parliament which will, for the first time, create a statutory entitlement for employers to offer unpaid leave for employees with caring responsibilities.

The Bill is expected to provide for up to one week's unpaid leave per year (in addition to paid leave allowance) and would provide more flexibility for carers, making things easier for them and their employers.

Eligibility for the leave would be clearly defined in the Bill, taking a broad approach to reflect the wide range of caring relationships and responsibilities.

Council therefore:

1. resolves for the leader to write to all Oxfordshire MP's asking them if they will support the Carer's Leave Bill
2. resolves to ask the Cabinet to commission a review of the communications and support for local advice services for employed Careers residing in Oxfordshire to ascertain if there is any further support that can be given

15. Motion by Councillor Eddie Reeves

This Council notes that significant concerns have been raised locally and nationally surrounding the data sets used to justify the introduction of Low Traffic Neighbourhoods (LTNs).

This Council further acknowledges its shortcomings in connection with certain of the LTN consultations and restates its commitment to consult more fully with local businesses, community groups and residents with mobility and/or religious requirements that make LTNs in parts of Oxford more problematic than in others.

Without prejudice to the administration's aim of reducing car-use, this Council recommends to Cabinet that it halt any immediate expansion in LTNs with a view to reassuring residents surrounding the data-sets and consultation methodologies used to justify and aid their introduction.

This Council further recommends to Cabinet that an independent audit of LTNs introduced in, or planned for, Oxfordshire be set in train to allow the Local Government Association or such other organisation to impartially assess their value in economic and environmental terms, together with their corresponding levels of democratic support.

16. Motion by Councillor Charlie Hicks

This Council has considered a change of Governance in the past from Leader and Cabinet to having a more inclusive Committee structure. The Oxfordshire Fair Deal Alliance wishes to review the decision-making structures of the County Council, with the aim of operating in a much more inclusive way that can involve all the talents of the council.

The Council now requests the Director for Law & Governance to institute a Full Governance Review of the County Council as soon as practicable, with any recommended changes to the Council's Executive and Governance structure to be decided by Full Council and fully implemented by May 2024

17. Motion by Councillor Nigel Simpson

Oxfordshire County Council has acknowledged the Climate Change Emergency.

A major contributor to excessive CO2 output is unnecessary car journeys. The proposal by Network Rail to shut the vital link between Yarnton and Kidlington by closing the level crossing at Sandy Lane will result in a significant increase in carbon emissions.

Permanent closure would see drivers forced to use alternative routes resulting in an average extra distance travelled of nearly two miles per journey.

Based on a recent survey undertaken by Yarnton Parish Council and on current usage this is estimated to result in an extra 4750 miles travelled on weekdays and 3800 at weekends, resulting in 1.5 million unnecessary miles per year.

The cost of such surplus miles is hundreds of thousands of pounds to residents and businesses who rely on their cars; and extra pollution in the form of many tonnes of carbon emissions, contrary to the Council's environmental objectives.

This would go directly against the Council's ambition to reduce CO2 output generated by transport and very significantly degrade the network of contacts that currently underpins the ancient and vital community nexus around the parishes of Yarnton, Begbroke and Kidlington.

This Council calls upon the Leader to request relevant Cabinet colleague(s) to engage with the local parishes, Network Rail and Oxford University Developments to discuss with them the ways in which this vital link can be maintained at least cost to the environment and for the benefit of all users with improvements, especially for cyclists and pedestrians.

18. Motion by Councillor Eddie Reeves

Given the scale of the cost-of-living crisis, this Council resolves to show a lead by recommending to Cabinet that catering for meetings of Full Council and at civic functions be cancelled unless catering is considered essential.

Where appropriate, this Council further recommends to Cabinet that it commit to reallocating such monies to helping those residents in greatest need

19. Motion by Councillor Sally Povolotsky

The UK government has announced only a £100 payment for “Off Grid” homes relying on oil or LPG. A big gap in fiscal support compared to the £400 for all other households on the grid.

Heating and oil prices have seen huge hikes. The average cost of filling a 1,000-litre tank at the start of the year was about £620. By August, which is oil buying season, Oxfordshire residents prices had peaked and the same tank cost £1,108 or more to fill, and the market fluctuates.

The disparity is that most people are required to pay up front for oil, while people on mains energy pay monthly. Residents don't just face a warmth crisis but that low-income households in rural areas face a potential health crisis due to cold homes. Without action, this government risks the health of many of the 1.5 million who have no option other than to use oil or LPG to heat their homes.

There's a potential cost and service gap issue to local authorities by the increased demand for health and mental health services.

This council asks our leader to write to government to;

1. Match the £400 energy grant for ALL energy users
2. Create a package for rural Oxfordshire communities to provide grants for renewables / air source heat pumps or help switch to biofuel boilers, as well as retrofitting and insulation.
3. Recognise that this cost of living emergency has further health service impacts in Oxfordshire and fund the needs of society

20. Motion by Councillor Nathan Ley

This Council recognises that excessive noise pollution from major highways raises the risk of negative health outcomes for our residents, most notably cardiovascular disease, cognitive impairment, and sleep disturbance. This particularly affects those who live in closest proximity to the busiest major strategic roads, including the A34 and M40.

The World Health Organisation (WHO) guidelines “strongly recommends reducing noise levels produced by road traffic below 53 dB, as road traffic noise above this level is associated with adverse health effects”. However, it's well known that noise levels are far in excess of this in many residential areas, especially where formally defined as

'Noise Important Areas', where the highest 1% of noise levels at residential locations can be found. This includes neighbourhoods within Abingdon, Botley and Banbury among others.

Traffic volumes on our major roads have massively increased, with the number of cars on the road doubling in the past 30 years. In light of this, and given the absence of physical sound mitigation measures along many highways-adjacent areas in Oxfordshire, we believe National Highways must take action to improve residents' quality of life. The existing designation of several 'Noise Important Areas' provides a framework for further investigation, and this must be matched by appropriate physical remedies.

Acknowledging the important future role of our strategic network, Council asks the Leader to write to National Highways' Chief Executive Nick Harris to stress the importance of funding and implementing physical noise mitigation infrastructure as soon as possible, especially pre-existing 'Noise Important Areas'.

21. Motion by Councillor Robin Bennett

This council considers that the UK government's so-called 'investment zones', proposed by the Chancellor in his recent 'mini-budget', are a disaster in the making, for the environment, local communities, democracy and public finances.

Consultations and environmental regulations have been presented as 'burdensome requirements'. Development which 'responds to the market' in these zones is required to be additional to the sites already set out in Local Plans, which are already carefully planned to respond to local needs and to respect the local environment; Investment zones will be able to 'relax' policy requirements that have been consulted on and approved by local councillors. They are there for a reason.

EU-based environmental regulations such as Habitat Regulation Assessments will be scrapped in these zones, with no clarity as to how they will be replaced.

Instead of treating nature protection as something that is in the way of growth, the environment should be at the heart of decision-making, given that it is the foundation of all economic prosperity.

Oxfordshire's six councils have already agreed a Strategic Vision for long-term sustainable development; adopting a get rich quick scheme devised by disaster capitalist think tanks is not in keeping with that vision.

Council fully endorses the Leader's response to DLUHC confirming that Oxfordshire is already a key contributor to the economy and that democratic local plans remain the best vehicle to deliver that contribution. Responding to the market alone is not enough: Oxfordshire's residents need to be heard, not sidelined, and our environment respected.

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OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Friday, 7 October 2022 commencing at 10.30 am and finishing at 3.30pm

Present:

Councillor Susanna Pressel – in the Chair

Councillors:

Juliette Ash	Stefan Gawrysiak	Eddie Reeves
Brad Baines	Jenny Hannaby	G.A. Reynolds
David Bartholomew	Damian Haywood	Judy Roberts
Tim Bearder	Charlie Hicks	Alison Rooke
Robin Bennett	John Howson	David Rouane
Liz Brighthouse OBE	Bob Johnston	Geoff Saul
Kevin Bulmer	Liz Leffman	Nigel Simpson
Mark Cherry	Nick Leverton	Roz Smith
Andrew Coles	Dr Nathan Ley	Ian Snowdon
Yvonne Constance OBE	Kieron Mallon	Dr Pete Sudbury
Imade Edosomwan	Ian Middleton	Bethia Thomas
Duncan Enright	Freddie van Mierlo	Liam Walker
Ted Fenton	Calum Miller	Richard Webber
Donna Ford	Michael O'Connor	
Andrew Gant	Glynis Phillips	

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.

61/22 MINUTES

(Agenda Item 1)

The minutes of the meeting held on 12 July 2022 were approved as a correct record

62/22 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies were received from Councillors Bloomfield (Vice-Chair), Banfield, Champken-Woods, Corkin, Fadlalla, Fatemian, Fawcett, Field-Johnson, Graham, Gregory, Hanna, Levy, Lygo, Murphy, Paule, Povolotsky, Sibley and Waine

63/22 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE

(Agenda Item 3)

Councillor Middleton declared a non-pecuniary interest in Item 17 – Motion by Councillor Nigel Simpson - as a resident in the locality but remained in the meeting.

64/22 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chair made a statement on the period of mourning for Her Majesty Queen Elizabeth II and the condolence books provided in the Common Hall at County Hall. She thanked all the staff who had assisted with this work including those who were involved in the presentation of the building during this period.

The Chair also referred to the proclamation of His Majesty King Charles III

The Council then paid tribute to the late Councillor David Markham and observed a minute's silence in his memory.

65/22 APPOINTMENTS

(Agenda Item 5)

Council noted the following appointments:-

Cllr Howson to replace Cllr Povolotsky on Pension Fund Committee

Cllr Mallon to replace Cllr Corkin on Performance Overview and Scrutiny Committee

Cllr Leverton to replace Cllr Ash on People Overview and Scrutiny Committee

Cllr Hannaby to replace Cllr Fawcett on Oxfordshire County Council Joint Consultative Committee for Uniformed Members of the Fire Service

Cllr Constance to replace Cllr Ford on Audit and Governance Committee

Cllr Ford to replace Cllr Corkin on Remuneration Committee

Cllr Levy to replace Cllr van Mierlo on Oxfordshire Joint Health Overview and Scrutiny Committee

Cllr van Mierlo to replace Cllr Levy on Place Overview and Scrutiny Committee

Shadow Cabinet

Leader – Cllr Reeves

Deputy Leader – Cllr Ford

Children, Education and Young People's
Services – Cllr Simpson

Corporate Services – Cllr Ford

Community Services and Safety – Cllr Bulmer

Highways Management – Cllr Walker

Finance – Cllr Bartholomew

Adult Social Care – Cllr Leverton

Travel and Development Strategy – Cllr
Snowdon

Climate Change Delivery and Environment –
Cllr Fenton

66/22 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

Public Address

Firas Modad addressed the Council regarding the invitation to a drag artist to participate at a children's story time event in the County Library at a cost of £12,000. He questioned the suitability of the individual concerned in view of the material published on his website and interviews given to the broadcast media. He expressed concern about the safeguarding measures in place at such events and suggested that, should the Council wish to use the story-time events to encourage diversity and inclusivity, there should be a more thorough vetting procedure for participants

Kate Robinson presented a petition of some 500 signatures in support of divesting the Local Government Pension Scheme from fossil fuels. She referred to the Council's policies which signposted residents to the Climate Action Oxfordshire website. The website encouraged various actions to mitigate the effects of climate change including moving money to ethical financial institutions. She suggested the investment portfolio of the Local Government Pension Scheme was in contradiction of these policies.

David Brown, a member of Yarnton Parish Council, spoke in support of the motion by Cllr Simpson regarding the Sandy Lane Rail Crossing. He referred to the importance of the road link with Kidlington and that the alternative route would involve longer distances by car with a negative environmental impact. He presented a survey of residents indicating

concern about these proposals and suggested that improved consultation was needed to take account of the concerns about their impact.

Students from Cherwell School addressed the Council about the impact of climate change on the lives and future prosperity of young people. They referred, in particular, to the significant changes to the natural environment in their lifetimes including the extreme temperatures experienced in the UK this year. They encouraged the Council to take more rapid action to encourage the sourcing of locally locally-produced goods and services and introduce further measures to reduce carbon emissions from vehicle use.

67/22 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

34 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 3 (Question from Cllr Eddie Reeves to Cllr Calum Miller) Cllr Miller undertook to provide a written reply detailing the amount of funding from the Housing and Growth Deal and DLUCH for the A34 junction at Lodge Hill

In relation to question 5 (Question from Cllr Donna Ford to Cllr Jenny Hannaby) Cllr Hannaby confirmed that she would provide an update on the proposed relocation of Banbury Library

68/22 REPORT OF THE CABINET

(Agenda Item 9)

Council received the report of the Cabinet

In relation to a question from Cllr Brad Baines, Cllr Glynis Phillips updated members on the actions being taken resulting from the consultations with the Oxford "Street Voice Citizens' Jury.

In relation to a question from Cllr David Bartholomew, Cllr Calum Miller confirmed that there had been no impact to the Council's finances arising from the severance of the S113 agreement with Cherwell District Council

In relation to a question from Cllr Donna Ford, Cllr Calum Miller, said that the Council will continue to scrutinise the costs in Children's services in view of the projected overspend but explained the drivers behind these costs and the need to maintain services to children and families.

In response to a question from Cllr Donna Ford, Cllr Calum Miller explained that national factors had resulted in increased costs of services for children in care

In response to a question from Cllr Eddie Reeves, Cllr Calum Miller explained the reasons for increased agency costs including staff shortages particularly in professional services and care staff.

In response to a question from Cllr David Bartholomew, Cllr Calum Miller confirmed that a report on the Council's capital programme would be considered by Cabinet in due course

In relation to a question from Cllr Ian Snowdon, Cllr Calum Miller undertook to provide a written answer on the implications for the capital programme of the land acquisitions for the Watlington Relief Road and the Milton Heights Bridge

In response to a question from Cllr David Bartholomew, Cllr Liz Leffman said that the Council was reviewing the number of properties within its portfolio and the implications of introducing gender inclusive toilet facilities

In response to questions from Councillors John Howson and Bob Johnston, Cllr Duncan Enright explained the reasons for the response to the proposed rail freight interchange at Ardley

In relation to a question from Cllr Robin Bennett, Cllr Duncan Enright undertook to provide a written response on progress with the Didcot Town Scheme

69/22 LOCAL GOVERNMENT ELECTORAL REVIEW FOR OXFORDSHIRE

(Agenda Item 10)

Council had before it a report regarding the forthcoming electoral review of Oxfordshire. The review would examine the number of councillors elected to the authority and the boundaries of the divisions which they represented. Significant variations had developed between the number of electors in each of the Council's divisions since the previous review in 2012.

RESOLVED (on a motion from the Chair and seconded by Councillor Liz Leffman and agreed nem con) to establish a cross-party group to oversee the work on the review, with the following membership drawn from each political group:-

Lib Dem Green Alliance (4) – Cllrs Bennett, Fawcett, van Mierlo and Rooke

Conservative Independent Alliance (3) – Cllrs Fenton, Mallon and Snowdon

Labour and Cooperative Party Group (2) – Cllrs Baines and Coles

Independent (1) – Cllr Gawrysiak

70/22 AMENDMENTS TO THE COUNCIL'S CONSTITUTION AND ITS PRESENTATION (INCLUDING RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP)

(Agenda Item 11)

Council had before it a report detailing recommendations arising from the Cross Party Constitution Working Group's review of the Council's constitution. The recommendations contained in this report were approved by the Audit and Governance Committee at its meeting on 20 July 2022.

Councillor Roz Smith, Chair of the Audit and Governance Committee presented the report.

Following debate it was –

RESOLVED (on a motion from Councillor Roz Smith and seconded by Councillor Brad Baines and carried nem con) to approve:-

(a) The changes to the presentation of the Constitution on the Council's website referred to in paragraphs 4 to 8 of the report

(b) The video and diagram referred to in paragraphs 9 to 11 of the report for inclusion on the Council's website

(c) The proposals for the incorporation of all of the current Articles into the main body of the Constitution referred to in paragraphs 12 to 14 of the report

(d) The proposals for amendment to the Protocol on Members' Rights and Responsibilities, the Protocol on Member/Officer Relations, the Council Procedure Rules and the Contract Procedure Rules in the Constitution referred to in paragraphs 15 to 23 of the report

(e) The proposed new Part 2 of the Constitution relating to the Fire and Rescue Service referred to in paragraphs 26 to 28 of the report;

(f) A delegation to the Director of Law and Governance to make textual amendments to the Constitution to address any inconsistencies or correct any cross-referencing errors arising from or as a consequence of the amendments, along with updating job and group titles if those referred to in the Constitution are obsolete (insofar as the Director of Law and Governance does not already have such a delegation)

and

(g) note that the Code of Conduct it adopted on 5 April 2022 and the Current Scheme of Allowances referred to in paragraphs 24 to 25 of the report will be incorporated into the Constitution.

71/22 PROPOSED CHANGES TO THE CONSTITUTION OF THE PENSION FUND COMMITTEE

(Agenda Item 12)

Council had before it a report detailing a proposal from the Pension Fund Committee to amend their Constitution in respect of the training requirements of all Members. The proposal was approved by Audit and Governance Committee and recommended to Full Council for adoption.

RESOLVED (on a motion from Councillor Roz Smith and seconded by Councillor Brad Baines and approved nem con) to:

endorse recommendations a) to d) agreed by the Pension Fund Committee, and endorsed by the Audit & Governance Committee, as set out below.

- a) That the contents of the report be noted.
- b) That approval be given to amend the Governance Policy to mandate all Members of the Committee to complete training in line with the Training Policy as set out in paragraph 18 of the report.
- c) That approval be given to only named substitutes of the Committee being allowed where they have completed training in line with the Training Policy.
- d) That Council mandate the Director of Law & Governance to make the appropriate changes to the Terms of Reference and Constitution of the Pension Fund Committee to formalise the new governance arrangements

and endorse the following agreed by the Audit and Governance Committee:

- e) That when the Independent Remuneration Panel is next due to formally meet, a full review be undertaken of Members' responsibilities and commitments relating to their roles and the appropriateness of whether an additional allowance should be provided be considered in relation to specific roles

72/22 MOTION BY COUNCILLOR LIZ BRIGHOUSE

(Agenda Item 13)

Councillor Liz Brighouse moved and Councillor Damian Haywood seconded the following motion

“Councils across England have seen their deficits in Special Educational Needs and Disabilities rise. It currently stands at a record £2.4b. Oxfordshire’s deficit is roughly £20m and rising. Like other authorities, Oxfordshire will face catastrophic financial decisions when in 2023 the Government removes the ability of Local Authorities to keep this debt within a separate reserve budget. Unless removed by government, Oxfordshire will have to find ways to fund the deficit within its budget for 2023/24.

The deficits have built up after many years of rising demand for services and Central Government now needs to address the issue.

This Council asks the Leader to write to the Secretary of State for Education and the Chancellor asking that these debts be written off so that the reforms necessary in the Green Paper and in Oxfordshire’s own SEND Strategy, which will reduce costs, can be delivered without the strain of historic deficits”

Following debate, the motion was put to the vote and carried unanimously (42 votes 0)

73/22 MOTION BY COUNCILLOR ROZ SMITH

(Agenda Item 14)

With the consent of Council, Councillor Roz Smith moved and Councillor Ian Middleton seconded the following motion amended by the suggestion of Councillor Roz Smith below

This Council notes that:

This Government has consistently failed to ~~address~~ **prepare for** the cost-of-living crisis.

Oxfordshire households face spiraling costs with fuel and energy costs, especially affecting front line workers, logistics, farming and food production.

Energy & fuel rises impact on all this council's services and there is concern about budgeted schemes due to inflation, and availability of personnel and resources.

1 in 3 households reported their cost of living had risen, citing affordability of food and medicines as a major concern. Many households face a decision between “heat or eat”

This Council therefore declares a ‘Cost of Living Emergency ’and calls on the Government to:

Subsidize buses and trains, to ensure that people can travel for essential education and work.

~~Urgently review the energy cap to provide much greater protection to consumers, including a cap for off grid homes.~~ **Invest in decarbonising energy in the UK to prepare for further energy shortages and sustainability.**

Immediately change taxation on fuel to transfer the risk of price changes to the Government pegged at long-term average prices.

Immediately reduce VAT to 17.5%

Restore the £20 Universal Credit supplement, previously cancelled by the Government.

Recognise Oxfordshire will need urgent additional funds to support homelessness, school transport, social care services, waste disposal, and a plethora of other council functions and programme deliveries affected by the increase in prices and inflation.

Council recommends to the Cabinet that this Council holds an urgent Cost-of-Living Summit to work towards a holistic and adaptive response to the emergency in Oxfordshire.

Councillor Eddie Reeves moved and Councillor David Bartholomew seconded the following amendment to the Motion as shown in bold italics and strikethrough below:-

This Council notes that:

~~This Governments internationally has consistently failed to address~~ **are grappling with** the cost of living crisis **induced by Russian aggression in Ukraine and exacerbated by the pandemic.**

Oxfordshire households face spiralling costs with fuel and energy costs, **rising Council Tax and other outgoings** especially affecting ~~front-line workers,~~ **hardworking families and businesses in the** logistics, **hospitality**, farming and food production **sectors.**

Energy & fuel rises impact on ~~all~~ this council's services and there is concern about ~~budgeted schemes~~ due to inflation, and ~~the~~ availability of personnel and resources.

~~4 in 3~~ **1/3** households reported ~~that~~ their cost of living ~~has~~ risen, citing affordability of food and medicines as a major concern. Many households face a decision between "heat or eat".

This Council ~~therefore~~ declares a 'Cost of Living Emergency' and **will actively consider applying reasonable levels of unspent reserves, including its underspent Budget Priority Reserve, to protecting those most in need from the worst effects of this emergency.**

This Council further calls on the Government to:

~~Subsidise buses and trains, to ensure that~~ **Help the Council to provide affordable public transport so that** people can travel for ~~essential~~ education and work.

~~Urgently r~~**Review** the energy cap to provide much greater protection to consumers, including a cap for **oil-heated and** off-grid homes.

~~Immediately c~~**Change** taxation on fuel to transfer the risk of price changes to the Government ~~pegged at long term average prices.~~

~~Immediately r~~**Reduce** VAT to 17.5% taxes.

Introduce measures to help those on Universal Credit and other benefits. ~~Restore the £20 Universal Credit supplement, previously cancelled by the Government.~~

Recognise Oxfordshire's ~~will~~ need **for urgent** additional funds to support **those services** ~~homelessness, school transport, social care services, waste disposal, and a plethora of other council functions and programme deliveries~~ **worst** affected by ~~the increase in process and~~ inflation.

This Council recommends to the Cabinet that ~~this Council holds an a~~ **cross-party urgent** Cost-of-Living Summit **be held** to work towards a holistic and adaptive response to the emergency ~~in Oxfordshire.~~

Following debate the amendment by Councillor Eddie Reeves was put to the vote and was lost by 30 votes to 12

The substantive motion as amended was carried by 30 votes to 12

RESOLVED (by 30 votes to 12):-

This Council notes that:

This Government has consistently failed to prepare for the cost-of-living crisis.

Oxfordshire households face spiraling costs with fuel and energy costs, especially affecting front line workers, logistics, farming and food production.

Energy & fuel rises impact on all this council's services and there is concern about budgeted schemes due to inflation, and availability of personnel and resources.

1 in 3 households reported their cost of living had risen, citing affordability of food and medicines as a major concern. Many households face a decision between “heat or eat”

This Council therefore declares a ‘Cost of Living Emergency ’and calls on the Government to:

Subsidize buses and trains, to ensure that people can travel for essential education and work.

Urgently invest in decarbonising energy in the UK to prepare for further energy shortages and sustainability.

Immediately change taxation on fuel to transfer the risk of price changes to the Government pegged at long-term average prices.

Immediately reduce VAT to 17.5%

Restore the £20 Universal Credit supplement, previously cancelled by the Government.

Recognise Oxfordshire will need urgent additional funds to support homelessness, school transport, social care services, waste disposal, and a plethora of other council functions and programme deliveries affected by the increase in prices and inflation.

Council recommends to the Cabinet that this Council holds an urgent Cost-of-Living Summit to work towards a holistic and adaptive response to the emergency in Oxfordshire.

74/22 MOTION BY COUNCILLOR EDDIE REEVES

(Agenda Item 15)

Councillor Eddie Reeves and Councillor David Bartholomew seconded the following Motion:-

“This Council notes that the Councillors’ Priority Fund policy is currently set to end on 31 March 2023 at the end of the financial year with the final tranche of members’ funding needing to be committed on or before 31 January 2023.

This Council notes the successes of the Councillors’ Priority Fund in ensuring that elected members can have a direct impact on their communities by facilitating community-action schemes, school safety projects, construction of pedestrian crossings and other meaningful measures.

Notwithstanding budgetary pressures and without prejudice to the Council’s budget consultation exercise, this Council asks that Cabinet gives full

consideration to maintaining the Councillors' Priority Fund at its current level for the forthcoming financial year”

Following debate the motion was put to the vote and was carried unanimously (42 votes to 0)

RESOLVED (unanimously):-

“This Council notes that the Councillors' Priority Fund policy is currently set to end on 31 March 2023 at the end of the financial year with the final tranche of members' funding needing to be committed on or before 31 January 2023.

This Council notes the successes of the Councillors' Priority Fund in ensuring that elected members can have a direct impact on their communities by facilitating community-action schemes, school safety projects, construction of pedestrian crossings and other meaningful measures.

Notwithstanding budgetary pressures and without prejudice to the Council's budget consultation exercise, this Council asks that Cabinet gives full consideration to maintaining the Councillors' Priority Fund at its current level for the forthcoming financial year”

75/22 MOTION BY COUNCILLOR YVONNE CONSTANCE

(Agenda Item 16)

Councillor Yvonne Constance moved and Councillor David Bartholomew seconded the following motion:-

“This Council notes that the Leader has acknowledged the challenging market conditions faced by Oxfordshire's excellent meat and dairy farmers

This Council further notes that local authorities have an important duty to engage positively and proportionately in public discourse.

Given the privileged position in which this Council finds itself and the potentially damaging effects of its motion dated 14 December 2021, this Council resolves to offer locally produced menus at Council-catered events, including meat, dairy, and vegan options, or to make alternative provisions for members, staff, and attendees to facilitate personal choice”

Following debate the motion was put to the vote and was lost by 28 votes to 13

76/22 MOTION BY COUNCILLOR NIGEL SIMPSON

(Agenda Item 17)

With the consent of Council, this motion was withdrawn

77/22 MOTION BY COUNCILLOR IAN MIDDLETON

(Agenda Item 18)

Councillor Ian Middleton moved and Councillor Andrew Gant seconded the following Motion:-

The Home Office announcement of its intention to reopen Campsfield House Immigration Detention Centre in Kidlington ignores local and national feeling on the treatment of refugees. It's also a cruel, ineffective, and costly backwards step for this government, for our country and for the people of Kidlington, Yarnton and Begbroke.

In the years before its closure in 2018, Campsfield House was used to detain nearly 30,000 migrants. During that time there were weekly demonstrations, protests, hunger strikes, two suicides, escapes and scores of legal challenges. It was finally closed following a damning inquiry into conditions.

The UK is ranked 20th in terms of asylum applications processed, and 19th for applications accepted. Two thirds of UK asylum seekers' claims are turned down, the highest refusal rate in Europe, with 41% of those decisions overturned on appeal.

Instead of criminalising people fleeing war, oppression and persecution, who have already suffered at the hands of people traffickers, the government should focus on achieving its own targets to deal with asylum claims promptly and fairly.

This Council therefore condemns the re-opening of Campsfield House and asks the Leader to write to the Home Secretary calling for:

1. The cancellation of the reopening of Campsfield House as a detention centre.
2. The creation of safe havens and more legal routes to apply for asylum in the UK.
3. The prioritisation of prompt and fair processing of asylum claims whilst introducing appropriate safeguards to allow asylum seekers to live and work in our communities in the meantime

Following debate, the motion was put to the vote and was carried by 27 votes to 8.

RESOLVED (27 votes to 8)

The Home Office announcement of its intention to reopen Campsfield House Immigration Detention Centre in Kidlington ignores local and national feeling on the treatment of refugees. It's also a cruel, ineffective, and costly backwards step for this government, for our country and for the people of Kidlington, Yarnton and Begbroke.

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- 3) The prioritisation of prompt and fair processing of asylum claims whilst introducing appropriate safeguards to allow asylum seekers to live and work in our communities in the meantime

78/22 MOTION BY COUNCILLOR JUDY ROBERTS

(Agenda Item 19)

With the consent of Council, this motion was withdrawn

79/22 MOTION BY COUNCILLOR NEIL FAWCETT

(Agenda Item 20)

With the consent of Council, this motion was withdrawn

80/22 MOTION BY COUNCILLOR BRAD BAINES

(Agenda Item 21)

Councillor Brad Baines moved and Councillor Mark Cherry seconded the following motion:-

“Council is concerned that the government’s Adult Social Care charging reforms are potentially hugely underfunded which will put implementation at risk as well as adding to existing pressures.

The UK wide health and social care levy will raise £36 billion over the next three years but only £5.4 billion is ring-fenced for social care reforms in England.

The implication of underfunding these reforms is to put even greater pressure on unpaid carers – including young carers – to increase waiting times for assessments and further delays in the provision of care.

Oxfordshire is one of six ‘trailblazing’ Councils in England who are implementing the reforms earlier than the rest of the country and this Council needs assurances from government that when the outcomes from the ‘trailblazing’ Councils are known that government funds the reforms in line with these costs.

Consequently, this Council calls on the Leader to write to the Secretaries of State for Health and Social Care and Levelling Up and Communities to request assurances of future funding in line with the aforementioned additional cost burden.”

Following debate the motion was put to the vote and carried by 27 votes to 7.

RESOLVED (27 votes to 7):-

Council is concerned that the government’s Adult Social Care charging reforms are potentially hugely underfunded which will put implementation at risk as well as adding to existing pressures.

The UK wide health and social care levy will raise £36 billion over the next three years but only £5.4 billion is ring-fenced for social care reforms in England.

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Consequently, this Council calls on the Leader to write to the Secretaries of State for Health and Social Care and Levelling Up and Communities to request assurances of future funding in line with the aforementioned additional cost burden.”

The motion was carried by 27 votes to 7

..... in the Chair

Date of signing

Divisions-N/A

COUNTY COUNCIL – 1 November 2022

REPORT OF THE CABINET

Cabinet Member: Deputy Leader

1. Oxfordshire Safeguarding Children Board Annual Report 2021-22

(Cabinet, 18 October 2022)

Cabinet received the annual report on the effectiveness of local arrangements to safeguard and promote the welfare of children in Oxfordshire. The report showed the need to improve practice with respect to the themes of: Neglect, Child exploitation and Keeping children safe in education.

Cabinet considered the key messages, thanked the Independent Chair and his staff for their excellent work and noted the report.

Cabinet Members: Highway Management and Travel & Development Strategy

2. Zero Emission Bus Regional Areas (ZEBRA) Funding Agreements

(Cabinet, 20 September 2022)

The Council was required to agree payment terms and key milestones with bus operators to ensure the project's timely delivery and the release of funds at appropriate points and ensure the funding conditions set out by the DfT are met. These provisions will be covered through legally binding funding agreements with the operators.

Cabinet agreed to delegate authority to the Corporate Director for Environment and Place, in consultation with the Director for Law and Governance and the Cabinet Member for Highway Management to negotiate, to finalise and enter into funding agreements with Oxford Bus Company (Go-Ahead) and Stagecoach to provide electric buses and charging infrastructure.

Cabinet Member: Adult Social Care

3. Adult Social Care Reforms: Fair Cost of Care Exercise and Draft Market Sustainability Planning

(Cabinet, 18 October 2022)

Cabinet was asked to note the process undertaken so far, so that the project group can continue to work towards presenting the final analysis, findings, and report with the provisional market sustainability plan, using the cost of care exercise as a key input in identifying risks in the local market and spend report, ready for submission to DHSC on 12 October 2022. The final market

sustainability plan will be submitted in February 2023. Cabinet agreed to the officers' recommendations.

4. Oxfordshire Safeguarding Adults Board Annual Report 2021-22
(Cabinet, 18 October 2022)

Cabinet considered the contents of the annual report which indicated that the local safeguarding partnership had continued to maintain a high standard of safeguarding work during a second year of COVID that had affected all partner organisations.

Cabinet considered the key findings and noted the report. The Leader thanked the Independent Chair for her excellent work and asked that the thanks be passed on to all staff involved.

Cabinet Member: Corporate Services

5. Workforce Report and Staffing Data - Quarter 1 - April to June 2022
(Cabinet, 20 September 2022)

Cabinet received a report providing an update for Quarter 1 on key HR activities along with a refreshed workforce profile. It reported that agile and hybrid working continues, and during Q1 staff and teams continued their utilisation of offices both for business as usual activities and for team collaboration events. Cabinet noted the report.

Cabinet Member: Finance

6. Business Management & Monitoring Report - June/July 2022
(Cabinet, 20 September 2022)

Cabinet considered the report which presented the July 2022 performance, risk and finance position for the Council. It showed that there were significant and persistent challenges around demand for children's social care and the availability of care placements and front-line social work staff. Issues and volatility in the wider economy, including inflation and workforce shortages, also continued to increase the risk to the financial position for the Council and the overall landscape looks much more challenging than when the budget was set in February 2022.

Cabinet noted the report and the virements listed and agreed the use of a further £0.4m funding from the COVID-19 reserve to extend the funding for the managed teams in the Family Solutions Plus service within Children's Services.

7. Treasury Management Quarterly Report
(Cabinet, 20 September 2022)

Cabinet received a report providing 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. Cabinet noted the report and recommended Council to note the report.

8. Responding to the Cost of Living Crisis

(Cabinet, 20 September 2022)

This report set out work already underway by the Council and recommended additional actions to mitigate the impact of cost of living rises for those in greatest need.

Cabinet agreed to the proposals for additional support for residents and Council staff; to bring forward the use of £200,000 from the COVID reserve originally agreed to be used for emergency welfare spending in 2025/26 to 2022/23; and to contribute up to a maximum of £380,000 in matched funds to support Council Tax Hardship schemes in 2022/23, equitably dispersed between the City and District Councils.

9. Capital Programme Monitoring Report - August 2022

(Cabinet, 18 October 2022)

Cabinet received the second capital programme update and monitoring report for 2022/23, setting out the monitoring position for 2022/23 based on activity to the end of August 2022 and providing an update to the Capital Programme approved by Cabinet in July 2022 taking into account additional funding and new and/or changes to schemes.

An amendment was agreed to ensure that the principles included a reference to aligning with LTCP targets. Cabinet agreed a series of recommendations on the revised programme and prioritisation, re-profiling and funding.

10. Budget & Business Planning Report - 2023/24

(Cabinet, 18 October 2022)

This report provided context and background information as well as updates about the wider economic environment since the 2022/23 budget and Medium Term Financial Strategy was agreed in February 2022. The financial position for the council and the overall economic landscape looked much more challenging and uncertain than when the budget was set.

Cabinet endorsed the report and noted the assumptions that will form the starting point for the 2023/24 budget as well as updates since the Medium Term Financial Strategy was agreed in February 2022 that need to be considered; approved the budget and business planning process for 2023/24; and a three-year period for the medium-term financial strategy to 2025/26 and ten-year period for the capital programme to 2032/33.

Cabinet Member: Highway Management

11. Highways Asset Management Strategy & Policy

(Cabinet, 20 September 2022)

Cabinet considered the report setting out the start of a new approach and focus for how the County Council undertakes Highway Maintenance and Asset Management, intended to be more aligned to the Oxfordshire Fair Deal Alliance's priorities and the policies set out in the emerging Local Transport and Connectivity Plan.

Cabinet amended one of the policies in the statement to include support for the Council's commitment to Vision Zero and then approved adoption of the Highway Asset Management Policy Statement, Strategy document and Plan document.

12. Street Lighting & Illuminated Assets Policy

(Cabinet, 18 October 2022)

This report was taken to Cabinet because the existing policy was considered to be out of date and no longer reflected the aspirations of the administration in terms of carbon saving and a more sustainable approach. There will also be development of a new procedure to support implementation of the new policy.

Cabinet supported the new direction and approach and approved adoption of the updated policy statement.

13. Future highway maintenance delivery model - proposed approach

(Cabinet, 18 October 2022)

The existing highways maintenance contract which is set to expire on 31st March 2025 with no options to extend remaining. Oxfordshire County Council therefore needs to decide on a model for highway maintenance delivery from that date.

Three main decision points for Cabinet were proposed: i) this report seeking support for the proposed approach; ii) when the project team have a preferred option/s for development and progression; and iii) to seek approval to commence procurement of the preferred option. Cabinet agreed this approach and commencement of this work.

Cabinet Member: Public Health & Equality

14. Terms of Reference for new Integrated Care Partnership for Buckinghamshire, Oxfordshire and Berkshire West

(Cabinet, 20 September 2022)

The Health and Care Act 2022 established Integrated Care Systems (ICSs) and created new NHS bodies called Integrated Care Boards (ICBs). Within this legislation all ICSs are required to establish new partnership forums called Integrated Care Partnerships (ICPs). These bring together ICBs and Local Authorities (LAs) with responsibility for Social Care and Public Health in order to integrate the services they plan, purchase, and provide for local residents. The members of the ICP worked together to agree the terms of reference for this new partnership board before its first meeting.

Cabinet approved the establishment of the Integrated Care Partnership covering the Buckinghamshire Oxfordshire and Berkshire West area and, in principle, the working draft terms of reference, the final version to be agreed by the Leader of Oxfordshire County Council in collaboration with the other partners. Cabinet also approved the appointment of two Cabinet Members to this partnership

Cabinet Member: Travel & Development Strategy

15. Parking Standards for New Developments

(Cabinet, 20 September & 18 October 2022)

This item was deferred from the September meeting in order to allow for discussion by the Place Overview & Scrutiny Committee which took place on 7 October 2022. The October meeting of Cabinet received the scrutiny report, a response to its recommendations and an updated standards document.

Cabinet approved the amended document and agreed that the Cabinet Members for Highway Management, Travel & Development Strategy and Climate Delivery & Environment should conduct a review with the relevant officers on issues raised by the scrutiny committee and bring back an update to a future Cabinet meeting before the end of this year.

16. Implementing ‘Decide & Provide’: Requirements for Transport Assessments

(Cabinet, 20 September 2022)

This report proposed a change from the ‘predict and provide’ approach to transport planning, which uses current or historical traffic patterns to determine the future need for infrastructure, to a ‘decide and provide’ approach, which decides on a preferred vision of the future and then provides the means to work towards that.

Cabinet adopted the ‘Implementing ‘Decide & Provide’: Requirements for Transport Assessments’ as a formal supplementary document to the Local Transport and Connectivity Plan.

Scrutiny Reports

17. Cabinet responses to reports received from scrutiny committees

(Cabinet, 20 September 2022)

The Cabinet papers included for information the formal responses to the following reports:

- Report of the Carbon Reduction Targets Working Group, commissioned by the Place Overview & Scrutiny Committee.
- Report of the Place Overview & Scrutiny Committee: Scrutiny of Local Transport and Connectivity Plan.

- Report of the People Overview & Scrutiny Committee on Voluntary Sector Strategy.
- Report of the People Overview & Scrutiny Committee on Digital Inclusion Strategy.
- Recommendations of the Performance & Corporate Services Overview & Scrutiny Committee re the 2022/23 Equality, Diversity and Inclusion Action Plan

18. Reports received from scrutiny committees

(Cabinet, 18 October 2022)

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

Report of the Place Overview & Scrutiny Committee – Parking Standards for New Developments

Reports of the Performance & Corporate Services Overview & Scrutiny Committee

- Citizens' Jury: Street Voice
- Property Strategy
- LGA Peer Review on Communications

LIZ LEFFMAN

Leader of the Council

October 2022

Division: Burford and Carterton North

COUNCIL – 1 November 2022

DISPENSATION FROM ATTENDING MEETINGS

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

Council is RECOMMENDED to

- (a) Grant a dispensation to Cllr Nicholas Field-Johnson from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance for family reasons.
- (b) Approve that the dispensation last up to and including 31 December 2022.

Executive Summary

1. Full Council has the discretion to approve a dispensation, based on the circumstances of the case, which means that the councillor does not cease to be a member of the Council for failing to attend a meeting during a six-month period.
2. Meetings of the authority include meetings of full Council along with committees and sub-committees of which the councillor is a member.
3. Councillor Nicholas Field-Johnson who represents the Burford and Carterton North Division has been unable to attend meetings since 17 May 2022. He was intending to be at the meeting of full Council on 13 September 2022 but that was postponed until 7 October 2022 due to the death of the Queen. He is not able to attend the meeting of full Council on 1 November 2022 due to the illness of a family member.
4. If the dispensation is not granted by Council, Cllr Field-Johnson will cease to be a member of the Council on 17 November 2022 unless he attends a meeting before that date.

Financial Implications

There are no direct financial implications directly arising from this report

Legal Implications

5. Section 85 of the Local Government Act 1972 states that 'if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority'. The Monitoring Officer has been contacted by Cllr Field-Johnson, and his Group Leader, Cllr Eddie Reeves, seeking Full Council's approval to grant a dispensation. The Monitoring Officer is satisfied that, having regard to the circumstances, the Council would be justified in granting the dispensation until 31 December 2022.

Equality and Inclusion Implications

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

Sustainability Implications

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

Risk Management

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

Anita Bradley

Director of Law & Governance and Monitoring Officer

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

October 2022

Division(s): N/A

COUNCIL – 1 November 2022

OFFICER 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 and the amendments to the parts of the Council's Constitution annexed to this report (which include a revised Officer Scheme of Delegation) where these are not already within the delegations granted to the Director of Law and Governance.

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. The Scheme of Delegation currently appearing in the Constitution needs updating.
3. Revisions to the format and presentation of this section of the Constitution were agreed at the Council meeting on 7 October 2022. It was agreed that the previous Part 7.1 (which sets out the Officer Scheme of Delegation) would become a new Part 7.2. It was also agreed that Article 13 (which should be read alongside the Officer Scheme of Delegation and defines the roles of the Council's Senior Leadership Team) would be incorporated into the main body of the Constitution as a new Part 7.1. No substantive changes, however, were made to content.
4. Copies of the new Parts 7.1 and 7.2 are annexed to this report. The proposed amendments are shown as tracked changes.
5. The amendments mainly relate to changes in titles and roles in the Senior Leadership Team.

Financial Implications

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

Legal Implications

7. 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.

Equality and Inclusion Implications

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

Sustainability Implications

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

Risk Management

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

Anita Bradley

Director of Law & Governance and Monitoring Officer

Annex: Revised parts 7.1 and 7.2

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

Richard Hodby, Solicitor
Email richard.hodby@oxfordshire.gov.uk

October 2022

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 management leadership team.

~~As the Council is in formal partnership with Cherwell District Council, save for the Corporate Director of Children's Services these are joint posts for both this Council and Cherwell District Council.~~

Post	Principal Areas of Service
Chief Executive	Head of the Council's <u>paid service</u> ; corporate management and promotion of the Council's strategic objectives;
Director offer Law & Governance	Monitoring Officer; the Constitution and corporate governance framework; ethical governance; Legal Services and advice; support for councillors and the democratic process; <u>complaints resolution Local Government and Social Care Ombudsman</u> ; information governance; <u>procurement</u> .
Corporate Director Customers and Organisational Development	Digital information and communications technology; cultural and customer services; equalities, diversity and inclusion; organisational development; human resources; corporate strategy; insight, marketing and communications; Coroner and Registration Service; libraries; <u>property services</u> .
Director of Finance (<u>Chief Finance Officer</u>)	Corporate financial management and administration; internal audit <u>& counter fraud, procurement; Oxfordshire Local Government Pension Fund; Chief Finance Officer (Section 151 Officer)</u> ;

Corporate Director
for Public Health &
Wellbeing

Statutory role including: delivery of the council's public health duties; steps to improve the health of the people in its area; planning for, and responding to, emergencies that present a risk to the public's health. Services in connection with teenage pregnancy; drugs and alcohol; fire and rescue services*; trading standards; animal welfare; gypsy and traveller service; emergency planning.

*NB The Chief Fire Officer has statutory responsibility for the fire and rescue service.

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

Post	Principal Areas of Service
Corporate Director for Commercial Development Assets and Investment	Estates and valuation; property services; corporate security; investment strategy; law and governance; fire and rescue services*; trading standards; animal welfare; gypsy and traveller service; emergency planning.;

~~*NB The Chief Fire Officer has statutory responsibility for the fire and rescue service.~~

- (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 offer 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 ~~would~~ 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

¹ Section 5 of the Local Government & Housing Act 1989

action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.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, **Directors** 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

² Section 151 of the Local Government Act 1972

the Director of Finance in relation to financial delegations), either generally or in specific circumstances.
~~relevant Director or other officer, either generally or in specific circumstances.~~

9. Conduct of Officers

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

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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 eCouncil as set out in this scheme and the Constitution. For the purpose of this scheme, 'officers' includes those officers included in ~~Part 2, Article 13~~ Part 7.1 of the Constitution.
- 1.2. This scheme is without prejudice to the exercise of the eCouncil's functions by the eCouncil, the Cabinet, the eCouncil'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 eCouncil 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 ~~or an area committee?~~ 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 eCouncil in accordance with the following general principles:

- (a) If a function, power or responsibility has not been specifically reserved to the eCouncil, a committee, or the Cabinet, the other officers within whose remit the matter falls is authorised to act.
- (b) The eCouncil, 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 eCouncil, 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 eCouncil in the interests of effective corporate management as he or she thinks fit.
- (f) Where an officer is absent from the workplace for a period of time that requires others to exercise delegated authority in the officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
- (g) Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or their nominee is authorised to act;
- (h) All officers are empowered to act as deputies of the Chief Executive in his/her absence, subject to the following:
 - (i) In the first instance, the person deputised to act will be the other officer named on the duty rota operated by the Council

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.

- (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 eCouncil'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 eCouncil's eConstitution, including its contract and financial procedures and regulations, and overall eCouncil 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 eCouncil.
- 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 eCouncil 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 eCouncil, 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 **f**inancial **p**rocedure **r**ules 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 **e**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 chairman following the application of the consultation criteria set out in paragraph (c) below;
 - (c) the implication of any eCouncil 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 chairman(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 eCouncil'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 eCouncil'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 eCouncil's eConstitution, 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 ~~Article 13~~ 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 Chairman of the relevant committee or sub-committee or, in his/her absence, the Deputy Chairman 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.~~

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 eCouncil, 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 eCouncil or in any case where the Director of Law and Governance considers that such action is necessary to protect the eCouncil's interests;
- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the eCouncil, 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 eCounty, the eCouncil or the inhabitants of the eCounty;
- (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)(iv)~~ ~~General Notices regarding Pecuniary Interest (Section 96);~~
~~repealed~~
 - ~~(vi)(v)~~ Ordnance Survey (Section 191);
 - ~~(vii)(vi)~~ Charitable Trusts (Section 210);
 - ~~(viii)(vii)~~ Deposit of Documents (Section 225);
 - ~~(ix)(viii)~~ Certificate of Photographic Copies of Documents (Section 229);
 - ~~(x)(ix)~~ Authentication of Documents (Section 234);
 - ~~(xi)(x)~~ Procedure etc. for Bye-Laws (Section 236);
 - ~~(xii)(xi)~~ Evidence of Bye-Laws (Section 238);

- (xiii)(xii) Enactments relating to Town & Country Planning (Schedule 16 where not repealed)*
- (xiv)(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 [Article 13Part 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 OmbudsmanCommissioner](#), 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);

(r) — (s) the powers and duties of County Returning Officer for the purposes of Section 35 of the Representation of the People Act 1983.

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

- (a) The proper officer functions of the Council for the purposes of Section 115 of the Local Government Act 1972 (Receipt of Money) and for the administration of the Council's financial affairs under Section 151 of the Act, and in accordance with ~~Article 13~~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 ~~Article 13~~Part 7.1, subject to the provisions of ~~Part 7.4~~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.

Division(s): N/A

COUNCIL – 1 November 2022

CALENDAR OF MEETINGS 2023-24

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

COUNCIL IS RECOMMENDED to approve the calendar of meetings for the 2023-24 civic year attached to the report.

Executive Summary

1. The calendar of meetings for each civic year is presented to Council for approval.
2. There is an established pattern of meeting dates that is generally followed, although adjustments are made to reflect known events that clash with certain meetings. For example, efforts are made to avoid meetings during the main school holidays and the dates of political party and the Local Government Association conferences.
3. The Chair and Deputy Chair of Council, Group Leaders, Chairs and Deputy Chairs of Committees, Cabinet Members and the Senior Leadership Team have been consulted regarding the dates proposed and have raised no objection.

Financial Implications

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

Legal Implications

5. The Constitution sets out the rules relating to the frequency of meetings:
Full Council - Council Procedure Rule 2
Cabinet - Cabinet Procedure Rule 1.5
Overview and Scrutiny Committees - Overview and Scrutiny Procedure Rule 8
Audit and Governance Committee, Pension Fund Committee and Planning and Regulation Committee – Regulatory and Other Committees Procedure Rule 3

Equality and Inclusion Implications

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

Sustainability Implications

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

Risk Management

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

Anita Bradley

Director of Law and Governance and Monitoring Officer

Annex: 2023-24 Calendar of Meetings

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

Colm O'Caomhanaigh, Committee Officer
Email colm.ocaomhanaigh@oxfordshire.gov.uk

October 2022

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 Affected - All

COUNCIL 1 NOVEMBER 2022

CAPITAL GOVERNANCE – AMENDMENTS TO THE FINANCIAL REGULATIONS, SECTION 5 ‘CAPITAL’

Report by the Director of Finance

RECOMMENDATION

1. **The Committee is RECOMMENDED to**

Approve the amendments to the Financial Procedure Rules (Financial Regulations, Section 5 ‘Capital’) as set out in Annex 1, as recommended by the Audit and Governance Committee.

Executive Summary

2. The Council is required, under the Local Government and Housing Act 1989, to follow proper accounting practices and to secure best value. All officers and members have a duty to abide by the highest standards of probity in dealing with financial issues.
3. Financial Regulations set out the council’s financial policies and the framework for managing the council’s financial affairs. They provide more detailed guidance on how the Council’s Financial Procedure Rules should be implemented in practice. They also identify the high-level financial controls within which all members and staff must operate. Regulations are maintained on the council’s intranet.
4. The Council has undertaken a full review of its Capital Governance framework, processes and structures. As a result, changes are now proposed to the relevant section of the Council’s Financial Procedure Rules (Financial Regulations - Capital). These changes, set out in this paper and at Annex 1, were considered and endorsed by the Audit and Governance committee at its meeting on 21 September 2022, for Council consideration and approval. The changes also reflect the council’s most current management structure.

Proposed Changes

5. Annex 1 sets out the revised changes to section 5 ‘Capital’ of the financial regulations. The proposed changes (shown in bold italics throughout) are

mostly immaterial, however they do importantly formalise current/expected custom and practise. The changes provide more rigour and enhanced visibility enabling more effective and efficient monitoring and management of the capital programme. The changes can be summarised as:

Section 5.1.1 'New inclusions', Section 5.2 'Capital Expenditure,

(i)... £50,000 or less, the **Head of Service (in consultation with the Finance Business Partner and Senior Corporate Accountant - Capital)**;
(this is currently Head of Service and Corporate Accountant)

(ii)...between £50,000 and £500,000, the **service Director (following discussion with and support of the appropriate Capital Programme Board)**;
(this is currently Corporate Accountant and Senior Capital Governance Officer)

(iii)...between £500,000 and £1,000,000, the **Section 151 Officer (following discussion with and support of the Strategic Capital Board)** ... (this is currently the s151 and the Corporate Director, Communities)

Section 5.1.2 Capital Governance Process

6. The main changes recommended are to include more evidence to accompany business cases at each gateway stage, particularly for expenditure, costs and change requests. (Currently, there is no specific mention of evidence).

Section 5.3 External Contributions

7. The main changes recommended are to further strengthen the check and challenge of any proposed new capital grant bid, proposing the same thresholds be applied as set out for allocations and expenditure (as noted above at paragraph 5). This provides more consistency throughout the procedure and ensures the strategic fit and organisational capacity/resources are challenged and considered before bids are submitted.

Section 5.4 Contract Insurance and caps on liabilities on capital design and construction contracts

8. This section recommends a full revision of the current Insurance section. It provides greater clarity and direction in terms of the risk assessments that are required before entering into contracts.

5.5 Disposals of Land and Property

9. The main changes recommended are in relation to the thresholds, these are being proposed to align to the same thresholds for capital allocation/expenditure and external contributions (as noted above at paragraph 5).

Financial Implications

10. There are no financial implications associated with this report.
11. Comments checked by:
Kathy Wilcox (Finance)

Legal Implications

12. There are no legal implications associated with this report.

Comments checked by:
Anita Bradley (Legal)

Staff Implications

13. The financial regulations are published on the Council's intranet, accessible internally only. Ongoing staff training, support and capital project templates are being updated and will reflect the amendments proposed to the financial regulations.

Equality & Inclusion Implications

14. There are no Equality and inclusion implications associated with this report.

Sustainability Implications

15. There are no sustainability implications associated with this report.

Risk Management

16. There are no risk management implications associated with this report.

LORNA BAXTER
Director of Finance

Annex: Annex 1. Revised Financial Regulations section 5
 Annex 2. Current Financial Regulations

Contact Officer: Belinda Dimmock-Smith, Capital Programme Manager,
 belinda.dimmocksmith@oxfordshire.gov.uk

September 2022

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**EXTRACT SECTION 5. CAPITAL, FINANCIAL REGULATIONS
PROPOSED (amendments are shown in *bold italics* throughout)**

5. Capital

5.1 Capital Resource Allocation

The Council sets its Capital Programme as part of the annual ***Budget and Business Planning Process*** and determines its capital investment priorities based on an agreed set of principles as set out in the Capital & Investment Strategy.

No capital commitment shall be made unless the initial resource allocation is confirmed within the Capital Programme approved by the Council (either as a specified individual project or as part of a planned annual programme) or through the approval levels under section 5.1.1. This is the case for all capital projects and programmes regardless of the funding source identified, i.e. including those funded partly or fully by external grants, contributions, contingencies, revenue savings or reported capital surpluses.

The Section 151 Officer jointly with the ***Strategic Capital Board (The Strategic Capital Board is made up of the s151 officer with two Senior Leadership Team (SLT) members; the s151 plus at least one SLT member are required for the meeting to be quorate)*** will ensure that appropriate arrangements are in place to monitor the capital programme and resources, control expenditure against approved budgets, and address any problems of overspending or resource re-allocation.

The Section 151 Officer will issue guidance as needed on governance and procedures.

5.1.1 New Inclusions

New inclusions (including schemes which are met from new grants/funding bids) to the approved Capital Programme are subject to capital prioritisation by Cabinet. New inclusions outside of the annual Budget and Business Planning Process can be agreed as follows:

- (i) Where the total estimated resource bid or allocation is £50,000 or less, the ***Head of Service (in consultation with the Finance Business Partner and Senior Corporate Accountant - Capital)*** can agree its inclusion into the capital programme;
- (ii) Where the total estimated resource bid or allocation is between £50,000 and £500,000, the ***service Director (following discussion at and the support of the appropriate Capital Programme Board)*** can agree its inclusion into the capital programme, and this will subsequently be reported to Cabinet;
- (iii) Where the total estimated resource bid or allocation is between £500,000 and £1,000,000, the ***Section 151 Officer (following discussion at and the support of the Strategic Capital Board)*** can agree its inclusion into the capital programme, and this will subsequently be reported to Cabinet;
- (iv) Where the total estimated resource bid or allocation is above £1,000,000, the Cabinet can agree its inclusion into the Capital Programme, via the periodic Capital Monitoring Report to Cabinet, based on the recommendations by the Strategic Capital Board and the Section 151 Officer.

- (v) The Leader of the Council may, in consultation with the Section 151 Officer, approve any proposed change to the Capital Programme in advance of a report to Cabinet where Cabinet approval is required. In these cases, funding must be agreed by the Section 151 Officer and reported to Cabinet in due course.

In all circumstances, the Section 151 Officer (or nominated representative) must confirm that the revenue implications of the project or the programme are affordable based on the current business case under consideration.

5.1.2 Capital Governance Process

Capital Projects are managed across a series of defined stages, each one ending in a decision stage gateway (Business Case) and follow the governance framework as specified in 5.2.

The service managers responsible for the project or a programme delivery are required to ensure that robust strategic and gateway reviews are undertaken and consultations with the relevant cabinet members and key stakeholders are carried out in advance of business case approval.

The service managers are responsible for ensuring all Business Cases include evidence to support all expenditure forecasts (supplier quotes etc.), evidence of reconciliation with Initial Business Case for any prior year expenditure in the project profile and evidence to support funding quoted within the Business Case (previous Business Cases, approval emails from the Planning Obligations Team etc.) and be signed off by the relevant Head of Service, confirming as such that the Business Case is complete, prior to obtaining a review and sign off from a member of the Finance Business Partnering Team.

Initial business cases for programmes of works should list individual schemes including a budget, timescales, scope and description of the works for each scheme.

Smaller value or simpler projects may request to combine stages and decision points. This requires approval from the appropriate Capital Programme Board.

All project and programme allocations in the capital programme must have an appropriate contingency allowance based on the risks associated with the project (and programme) and the decision stage gateway.

Upon approval of the Outline Business Case, the Project's (and Programme) overall budget moves from provisional to final. This is confirmation that the Project (or Programme) can proceed and is the baseline against which all future performance is measured.

5.2 Capital Expenditure

Provisional total Project (and programme) budgets are allocated, and initial Project (and Programme) budgets are released (capital expenditure can be incurred) following either:

- (i) the approval of the Capital Programme by the Council where initial business cases are considered as part of the capital budget setting process; or

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- (ii) the approval of initial business cases where these are submitted and considered in year (outside of the capital budget setting process) subject to the levels set out in 5.1.2.

Each remaining phase of funding is released following the approval of an updated business case at each subsequent gateway (Stage 1 Outline Business Case & Stage 2 Full Business Case), as follows:

- (iii) Where proposed projects have entered the capital programme under i) and ii) above, and remain in line with the original scope and timetable and can be delivered within the approved budget agreed by Council/Cabinet, its release can be agreed by the **Senior Corporate Accountant (Capital) in consultation with the Capital Programme Board and/or the Strategic Capital Board as appropriate.**
- (iv) Where proposed projects have entered the capital programme under i) and ii) above, but require changes to any of the agreed scope, delivery timetable and approved budget, the appropriate **Capital Programme Board and/or Strategic Capital Board (dependent on level)** is responsible for determining the level at which approval must be sought in line with section 5.2.2 below;

5.2.1 Contractual Commitments

Once a project is approved as per 5.1.2 and enters that Capital Programme, contractual capital commitments for project and programme delivery can be entered into in line with the capital approval levels set out in the Scheme of Delegation, when the following conditions are satisfied:

- (i) all sign offs required by the Contract procedure Rules (CPRs) are in place and activities are compliant with CPRs;
- (ii) the relevant decision stage gateway (business case) covering the upcoming stage that contractual spend will occur has been approved in line with the approval levels set out in 5.1. and 5.2.2.

In all circumstances, the Section 151 Officer (or nominated representative) must confirm that the revenue implications of the project or the programme are affordable based on the current business case under consideration.

Where the programmes or projects include issuing capital grants or funding to third parties, relevant officers should seek appropriate legal and financial advice, draw up a funding agreement and specify evidence required to demonstrate the capital spend and other related output measures.

Where there are changes to the tender figures or any other variations, this will fall within the provisions of section 5.2.2 below (*and see Section 9 Income and Expenditure paragraph 9.3.5 Contracts for Capital Works*).

5.2.2 Variation in time, cost and scope

Where any decision or other variation will (or may) produce an increase to the total cost of that project or programme (and/or variation to expected delivery period or scope), a change request form must be completed, and additional approvals must be sought in advance, as follows:

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- (i) Where the cumulative cost variation is less than £50,000, the **Head of Service and Finance Business Partner (or Assistant Finance Business Partner) in consultation with the Senior Corporate Accountant - Capital** must approve the change;
- (ii) Where the cumulative variation is between £50,000 and £500,000 or the project forecasts a change to an end of gateway date or there is moderate (see note below) change to the scope then the **service Director and Finance Business Partner (following discussion at and the support of the appropriate Capital Programme Board)** must approve the change;
- (iii) Where the cumulative variation is between £500,000 and £1,000,000, or the project forecasts a delay that will affect final go-live / practical completion, or there is a significant change to scope then the **151 Officer (following discussion at and the support of the Strategic Capital Board)** must approve the change;
- (iv) Where the cumulative variation is over £1,000,000 Cabinet must approve the change.
- (v) The Leader of the Council may, in consultation with the Section 151 Officer, approve any proposed change to the Capital Programme in advance of a report to Cabinet where Cabinet approval is required. In these cases, funding must be agreed by the Section 151 Officer and reported to Cabinet in due course.

A cumulative cost variation is the total amount of cost change that the project has requested since the outline business case was agreed including any current request and comply with the approval levels in 5.2.2.

Where a variation occurs at the very end of a stage the change request can form part of the next business case document. Where such a change happens (or is foreseen) during a business case gateway, a change request document must be submitted for approval and comply with the approval levels in 5.2.2.

Services should explain (with evidence) the reasons for the reported variation and confirm their support to any scope changes in their 'change request form' and provide proposed funding options to address the increased cost where relevant. Guidance and arbitration on what constitute a moderate or significant change of scope should be sought by the service from the appropriate **Capital Programme Board/and or Strategic Capital Board** (depending on level, in line with decision making).

Approval can be sought at a higher level in the Scheme of Delegation (such as escalating to the **Section 151 Officer and the Strategic Capital Board**) in all cases and where the viability and value for money of the scheme are threatened.

5.3 External Contributions

All external funding applications for capital resources should be in line with the **Strategic Plan objectives and be assessed against the agreed set of prioritisation principles for capital investment** as set out in the Capital & Investment Strategy. Service Managers responsible for the application should seek approval from the respective **capital programme board and the Strategic Capital Board and/or Cabinet (in line with the approval thresholds as set out above at 5.1.1)** about the proposed use of these resources and related implications prior to making an

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application.

In all circumstances, the Section 151 Officer (or nominated representative) must be notified and agree to all external funding applications and review the proposal on any implications to the Council's asset and infrastructure base or its Medium Term Financial Strategy. If external funding applications are successful, these will be reported to Cabinet for inclusion in the Council's Capital Programme.

Where external contributions are restricted for specific purposes, they should be used for the purposes for which they are issued in line with the relevant funding agreements or grant conditions. Where external contributions are partially or fully flexible, their use is subject to capital prioritisation by the Cabinet and approved subject to the levels set out at section 5.1.1.

Capital Programme entry for externally funded programmes and projects requires, in addition to the requirements at section 5.1.1, a formal notification by or a formal agreement with the relevant funding body or third party. Where there is a need to expend resources in advance of receiving such notification or agreement, approval must be sought from the Section 151 Officer based on a risk assessment.

Approval and variation thresholds stated in sections 5.2.1 and 5.2.2 above also apply to programmes or projects that are fully or partially externally funded.

5.4 Contract Insurance and caps on liabilities on capital design and construction contracts

The level of professional indemnity insurance required for each capital scheme is dependent upon the value of the project, the risk and potential value of any financial loss to the council and the cost for putting right. The level of public liability insurance required for each capital scheme is dependent upon the value of the project, the risk and potential value of any potential claim of compensation in respect of injury or property damage to a third party.

Indemnity clauses should be included within contracts for the design and construction of capital schemes to protect the council against any claims which may arise out of the negligence of the provider.

Limits of liability should not generally be capped within the contract. Where there are any exceptions to this, a risk assessment should be completed to determine the correct level of cover. Any cap needs to be agreed with a member of the Insurance Team, Deputy S151 Officer and Finance Business Partner, and signed off by the Service Director. Any insurance policy held by the provider of the service should be on an 'each and every' claim basis. Policies where cover is 'in the aggregate', or wording to that effect, may put the council at an increased financial risk and therefore should be avoided. Where the supplier insists on such a policy this must be agreed with a member of the Insurance Team, Deputy S151 Officer and Finance Business Partner, and signed off by the Service Director based on a completed risk assessment
["https://intranet.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/aboutus/RiskAssessmentformforcontracts.docx"](https://intranet.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/aboutus/RiskAssessmentformforcontracts.docx) [risk assessment \(docx format, 22Kb\)](#).

Confirmation that the supplier holds and is maintaining the relevant levels of insurance detailed within the tender document must be confirmed before the contract starts and throughout the life of the contract.

5.5 Disposals of Land and Property

In respect of disposals of land and property, the processes followed should be robust and transparent and in accordance with current legislation. Section 123 of the Local

Government Act 1972 specifies that surplus property should be sold on the open market for the best consideration that can reasonably be achieved.

5.5.1 Approval Limits

The Director for Property should seek appropriate financial and legal advice before any disposal. **The Council's protocols concerning member engagement will be followed for all land and property disposals.** Then, depending on the value of the disposal, different levels of approval are needed, as follows:

- (i) Where the estimated disposal value is **less than £500k**, the **Director for Property may arrange for the disposal of land or property, in consultation and support with the Property Capital Programme Board subject to complying with the requirement to record decisions by officers, as set out in the Constitution.**
- (ii) Where the estimated disposal value is greater than **£500k**, a decision by the **Strategic Capital Board** to proceed with the disposal is required.
- (iii) Where the estimated disposal value of individual property assets is **£1million or more**, a **decision by Cabinet** to proceed with the disposal is required.

5.5.2 Discounted Approval Limits

Disposals may be at a discounted or 'undervalue' level, below the 'best consideration that can reasonably be obtained'. The *General Disposal Consent 2003* gives local authorities the power to dispose of property at less than the full open market value without seeking the consent of the Secretary of State where such a sale contributes to the economic, social or environmental wellbeing of the areas, and where the undervalue does not exceed £2m. Full market value can also include non-monetary consideration if:

- (i) The service or accommodation contributes to one to the Council's priorities; and
- (ii) Provided that a case is made that in effect justifies the 'expenditure' of the foregone receipt in accordance with the normal processes for the allocation of capital resources.

In these cases, disposals can be controversial therefore local circumstances and the scale of the discount in price should be considered when deciding who should make the final decision to sell and additional financial and legal advice should be sought. In general:

- (i) Where the **'undervalue' is less than £50,000**, the Director for Property may arrange for the disposal of the land or property
- (ii) Where the **'undervalue' is between £50,000 and £500,000**, the Director for Property must prepare a report to the **Property Capital Programme Board** requesting approval to proceed with the disposal
- (iii) Where the **'undervalue' is £500,000 or more** a report to the **Strategic Capital Board** requesting its approval to proceed with the disposal is required.
- (iv) Where the **'undervalue' is over £1,000,000** **Cabinet** must approve the

disposal.

Approval can be sought at a higher level in all cases as agreed by the **Director for Property and the Strategic Capital Board**.

All capital receipts generated through the disposal of land or property assets are treated as a corporate resource and used to support the capital programme unless it is specifically agreed otherwise by Cabinet based on recommendations by **the Strategic Capital Board**.

5.6 Transfers of Property Assets (Land and Property)

The process followed for the transfer of **property and land assets** should be robust and transparent and in accordance Section 123 of the Local Government Act 1972 and any related Council's policies ([Community Asset Transfer Policy](#)).

The Director for Property should seek appropriate financial and legal advice before any transfer. Then, depending on the estimated loss of income due to the transfer of the property assets, different levels of approval are needed. These are through the approval levels under section 5.5.2.

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5 Capital

5.1 Capital Resource Allocation

The Council sets its Capital Programme as part of the annual Service and Resource Planning Process and determines its capital investment priorities based on an agreed set of principles as set out in the Capital & Investment Strategy.

No capital commitment shall be made unless the initial resource allocation is confirmed within the Capital Programme approved by the Council (either as a specified individual project or as part of a planned annual programme) or through the approval levels under section 5.1.1. This is the case for all capital projects and programmes regardless of the funding source identified, i.e. including those funded partly or fully by external grants, contributions, contingencies, revenue savings or reported capital surpluses.

The **Section 151 Officer** jointly with the **Corporate Director Communities** will ensure that appropriate arrangements are in place to monitor the capital programme and resources, control expenditure against approved budgets, and address any problems of overspending or resource re-allocation.

The **Section 151 Officer** will issue guidance as needed on governance and procedures.

5.1.1 New Inclusions

New inclusions to the approved Capital Programme are subject to capital prioritisation by **Cabinet**. New inclusions outside of the annual Service and Resource Planning Process can be agreed as follows:

- (i) Where the total estimated resource allocation is £50,000 or less, the **Corporate Accountant** can agree its inclusion into the capital programme;
- (ii) Where the total estimated resource allocation is between £50,000 and £500,000, the **Corporate Accountant** and **Senior Capital Governance Officer** can agree its inclusion into the capital programme, and this will subsequently be reported to Cabinet;
- (iii) Where the total estimated resource allocation is between £500,000 and £1,000,000, the **Corporate Director Communities** and the **Section 151 Officer** can agree its inclusion into the capital programme, and this will subsequently be reported to **Cabinet**;
- (iv) Where the total estimated resource allocation is above £1,000,000, the **Cabinet** can agree its inclusion into the Capital Programme, via the periodic Capital Report to Cabinet, based on the recommendations by the **Corporate Director Communities** and the **Section 151 Officer**.
- (v) The **Leader of the Council** may, in conjunction with the **Section 151 Officer**, approve any proposed change to the Capital Programme in advance of a report to **Cabinet** where **Cabinet** approval is required. In these cases, funding must be agreed by the **Section 151 Officer** and reported to **Cabinet** in due course.

5.1.2 Capital Governance Process

Capital Projects are managed across a series of defined stages, each one ending in a decision stage gateway (Business Case) and follow the governance framework as specified in 5.2.

The **service managers** responsible for the project or a programme delivery are required to ensure that robust strategic and gateway reviews are undertaken and consultations with the relevant **cabinet members** and key stakeholders are carried out in advance of business case approval.

Initial business cases for programmes of works should list individual schemes including a budget, timescales, scope and description of the works for each scheme.

Smaller value or simpler projects may request to combine stages and decision points. This requires approval from the **Corporate Accountant & Senior Corporate Governance Officer**.

All project and programme allocations in the capital programme must have an appropriate contingency allowance based on the risks associated with the project (and programme) and the decision stage gateway.

Upon approval of the Outline Business Case, the Project's (and Programme) overall budget moves from provisional to final. This is the baseline against which all future performance is measured.

5.2 Capital Expenditure

Provisional total Project (and programme) budgets are allocated, and initial Project (and Programme) budgets are released (capital expenditure can be incurred) following either:

- (i) the approval of the Capital Programme by the Council where initial business cases (or equivalent) are considered as part of the capital budget setting process; or
- (ii) the approval of initial business cases where these are submitted and considered in year (outside of the capital budget setting process) subject to the levels set out in 5.1.1.

Each remaining phase of funding is released following the approval of an updated business cases at each subsequent gateway (Stage 1 Outline Business Case & Stage 2 Full Business Case), as follows:

- (i) Where proposed projects have entered the capital programme under a) and b) above, and remain in line with the original scope and timetable and can be delivered within the approved budget agreed by Council/Cabinet, its release can be agreed by the **Corporate Accountant**;
- (ii) Where proposed projects have entered the capital programme under a) and b) above, but require changes to the agreed scope, delivery timetable and approved budget, the **Section 151 Officer** is responsible

for determining the level at which approval must be sought in line with section 5.2.2 below;

5.2.1 Contractual Commitments

Once a project is approved as per 5.1.1 and enters that Capital Programme, contractual capital commitments for project and programme delivery can be entered into in line with the capital approval levels set out in the Scheme of Delegation, when the following conditions are satisfied:

- (i) all sign offs required by the Contract procedure Rules (CPRs) are in place and activities are compliant with CPRs;
- (ii) the relevant decision stage gateway (business case) covering the upcoming stage that contractual spend will occur has been approved in line with the approval levels set out in 5.1.1 and 5.2.2.

In all circumstances, the **Section 151 Officer** (or nominated representative) must confirm that the revenue implications of the project or the programme are affordable based on the current business case under consideration.

Where the programmes or projects include issuing capital grants to third parties, relevant officers should seek appropriate legal and financial advice, draw up a funding agreement and specify evidence required to demonstrate the capital spend and other related output measures.

Where there are changes to the tender figures or any other variations, this will fall within the provisions of section 5.2.2 below (*and see Section 9 Income and Expenditure paragraph 9.3.5 Contracts for Capital Works*).

5.2.2 Variation in time, cost and scope

Where any decision or other variation will (or may) produce an increase to the total cost of that project or programme (and/or variation to expected delivery period or scope), a change request form must be completed, and additional approvals must be sought as follows:

- (i) Where the cumulative cost variation is less than £50,000, the **Corporate Accountant** must approve the change;
- (ii) Where the cumulative variation is between £50,000 and £500,000 or the project forecasts a change to an end of gateway date or there is moderate change to the scope then the **Corporate Accountant** and **Senior Capital Governance Officer** must approve the change;
- (iii) Where the cumulative variation is between £500,000 and £1,000,000, or the project forecasts a delay that will affect final go-live / practical completion, or there is a significant change to scope then the **Corporate Director Communities** and **Section 151 Officer** must approve the change;
- (iv) Where the cumulative variation is over £1,000,000 **Cabinet** must approve the change.

- (v) The **Leader of the Council** may, in conjunction with the **Section 151 Officer**, approve any proposed change to the Capital Programme in advance of a report to **Cabinet** where Cabinet approval is required. In these cases, funding must be agreed by the **Section 151 Officer** and reported to Cabinet in due course.

A cumulative cost variation is the total amount of cost change that the project has requested since the outline business case was agreed including any current request and comply with the approval levels in 5.2.2.

Where a variation occurs at the very end of a stage the change request can form part on the next business case document. Where such a change happens (or is foreseen) during a business case gateway, a change request document must be submitted for approval and comply with the approval levels in 5.2.2.

Services should explain the reasons for the reported variation and confirm their agreement to any scope changes in their reports and provide funding proposals to address the increased cost where relevant. Guidance and arbitration on what constitute a moderate or significant change of scope should be sought by the service from the **Corporate Accountant** and **Senior Capital Governance Officer**.

Approval can be sought at a higher level in the Scheme of Delegation (such as escalating to the **Section 151 Officer**) in all cases and where the viability and value for money of the scheme are threatened.

5.3 External Contributions

All external funding applications for capital resources should be in line with Corporate Plan objectives and be assessed against the agreed set of prioritisation principles for capital investment as set out in the Capital & Investment Strategy. **Service Managers** responsible for the application should inform the **Section 151 Officer** and the **Corporate Director Communities** about the proposed use of these resources and related implications prior to making an application.

In all circumstances, the **Section 151 Officer** (or nominated representative) must be notified and agree to all external funding applications and review the proposal on any implications to the Council's asset and infrastructure base or its Medium-Term Financial Plan.

Where external contributions are restricted for specific purposes, they should be used for the purposes for which they are issued in line with the relevant funding agreements or grant conditions. Where external contributions are partially or fully flexible, their use is subject to capital prioritisation by the **Cabinet** and approved subject to the levels set out at section 5.1.1.

Capital Programme entry for externally funded programmes and projects requires, in addition to the requirements at section 5.1.1, a formal notification by or a formal agreement with the relevant funding body or third party. Where there is a need to expend resources in advance of receiving such notification or agreement, approval must be sought from the **Section 151 Officer** based on a risk assessment.

Approval and variation thresholds stated in sections 5.2.1 and 5.2.2 above also apply to programmes or projects that are fully or partially externally funded.

5.4 Insurance reinstatements

In the case of insurance reinstatements sections 5.1.1, 5.2.1 and 5.2.2 apply if the Council is contributing additional resources. If there is a proposal to change the use of an asset or the service provided from this asset, the **Corporate Director Communities** and the **Section 151 Officer** should review the proposals and make recommendations to **Cabinet** as required.

5.5 Disposals of Land and Property

In respect of disposals of land and property, the processes followed should be robust and transparent and in accordance with current legislation. Section 123 of the Local Government Act 1972 specifies that surplus property should be sold on the open market for the best consideration that can reasonably be achieved.

5.5.1 Approval Limits

The **Director for Property Investment and Communities Facilities Management** should seek appropriate financial and legal advice before any disposal. Then, depending on the value of the disposal, different levels of approval are needed, as follows:

- (i) Where the estimated disposal value is less than £2 million, the **Director for Property Investment and Communities Facilities Management** may arrange for the disposal of land or property.
- (ii) Where the estimated disposal value is between £2 million and £5 million, a decision by the **Corporate Director Communities** and the **Section 151 Officer** to proceed with the disposal is required.
- (iii) Where the estimated disposal value of individual property assets is £5 million or more, a decision by **Cabinet** to proceed with the disposal is required.

5.5.2 Discounted Approval Limits

Disposals may be at a discounted or 'undervalue' level, below the 'best consideration that can reasonably be obtained'. The *General Disposal Consent 2003* gives local authorities the power to dispose of property at less than the full open market value without seeking the consent of the Secretary of State where such a sale contributes to the economic, social or environmental wellbeing of the areas, and where the undervalue does not exceed £2m. Full market value can also include non-monetary consideration if:

- (i) The service or accommodation contributes to one to the **Council's** priorities; and
- (ii) Provided that a case is made that in effect justifies the 'expenditure' of the foregone receipt in accordance with the normal processes for the allocation of capital resources.

In these cases, disposals can be controversial therefore local circumstances and the scale of the discount in price should be considered when deciding who should make

the final decision to sell and additional financial and legal advice should be sought. In general:

- (i) Where the 'undervalue' is less than £25,000, the **Director for Property Investment and Communities Facilities Management** may arrange for the disposal of the land or property
- (ii) Where the 'undervalue' is between £25,000 and £500,000, the **Director for Property Investment and Communities Facilities Management** must prepare a report to the **Section 151 Officer**, requesting approval to proceed with the disposal
- (iii) Where the 'undervalue' is £500,000 or more, the **Corporate Director Communities** and the **Section 151 Officer** must prepare a report to **Cabinet** requesting their approval to proceed with the disposal.

Approval can be sought at a higher level in all cases as agreed by the **Director for Property Investment and Communities Facilities Management** and the **Section 151 Officer**.

All capital receipts generated through the disposal of property assets are treated as a corporate resource and used to support the capital programme unless it is specifically agreed otherwise by **Cabinet** based on recommendations by the **Corporate Director Communities** and the **Section 151 Officer**.

5.6 Transfers of Property Assets (Land and Property)

The process followed for the transfer of property assets should be robust and transparent and in accordance Section 123 of the Local Government Act 1972 and any related Council's policies ([Community Asset Transfer Policy](#)).

The **Director for Property Investment and Communities Facilities Management** should seek appropriate financial and legal advice before any transfer. Then, depending on the estimated loss of income due to the transfer of the property assets, different levels of approval are needed. These are through the approval levels under section 5.5.2.

5.7 Acquisition of Land and Property

In respect of the acquisition of land and property where budget provision for an acquisition exists within the approved Capital Programme, the **Director for Property Investment and Communities Facilities Management** may approve a purchase of land or property in accordance with approval levels specified in section 5.1.1. and 5.2.2 above.