

**Audit & Governance Committee  
Wednesday, 20 May 2026**

**Addendum Report – Item 12**

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## **AUDIT AND GOVERNANCE COMMITTEE**

**20 MAY 2026**

### **CONSTITUTION WORKING GROUP REPORT**

#### **Addendum Report to Item 12 by the Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATION**

1. **The Audit and Governance Committee is RECOMMENDED to:**
  - a) **Endorse the proposed amendments to the Council's Constitution as recommended by the Constitution Working Group; and**
  - b) **Recommend Council to formally approve the proposed changes to the Council's Constitution set out in Appendices and 2 attached to the agenda and to request the Director of Law and Governance and Monitoring Officer to ensure the necessary changes are made; and**
  - c) **Recommend Council to approve the additional changes, including the amendments to the Officer Scheme of Delegation to reflect the new structure, as set out Addendum 1, attached.**
  - d) **To note that Council will be requested to formally adopt the changes recommended by Audit and Governance Committee on 30 June 2026.**

#### **Report**

1. As highlighted in the main report for item 12, additional work has been undertaken on the Council's constitution. This has been concentrated on the Officer Scheme of Delegation which has been changed to reflect the new structure and provides clarity. Additionally, some further technical points have been identified as they required clarification. This information is set out in Appendix 3 and Annexes 1 and 2.
2. In order to assist the Committee revised recommendations are set out above to take account of the additional information attached at Appendix 3 and Annexes 1 and 2.

**Anita Bradley**  
**Director of Law & Governance and Monitoring Officer**

Background papers:       None

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April 2026

List of recommended additional changes for approval

Oxfordshire CC Constitution

The following suggested changes are recommended to provide clarity to the Constitution.

No	Part	Change	Comments				
<b>Part 1 The Constitution</b>							
1	Part 1.2, paragraph 2 Table 2.A  <b>How Oxfordshire County Council operates</b>	<table border="1"> <tr> <td><b>Plan/strategy</b></td> <td><b>Statutory basis</b></td> </tr> <tr> <td>Local Development Scheme and Development Plan Documents (including Minerals and Waste)  Minerals and Waste Plan</td> <td>Section 15<sup>CB</sup> Planning and Compulsory Purchase Order Act 2004</td> </tr> </table>	<b>Plan/strategy</b>	<b>Statutory basis</b>	Local Development Scheme and Development Plan Documents (including Minerals and Waste)  Minerals and Waste Plan	Section 15 <sup>CB</sup> Planning and Compulsory Purchase Order Act 2004	Required a result of changes made by the Levelling Up and Regeneration Act 2023, which have only recently come into effect
<b>Plan/strategy</b>	<b>Statutory basis</b>						
Local Development Scheme and Development Plan Documents (including Minerals and Waste)  Minerals and Waste Plan	Section 15 <sup>CB</sup> Planning and Compulsory Purchase Order Act 2004						
<b>Part 3 Council</b>							
2	Paragraph 1, 1.1.2 (iv)  <b>Annual Meeting of Council</b> and the same change in  <b>Ordinary Meetings Paragraph 2.2 (ii)</b>	approve the minutes of the last meeting. <del>and receive for information any matters arising from them</del>	To consider matters arising from the minutes would be contrary to the Local Government (Access to Information) Act 1985 (as now incorporated into the Local Government Act 1972).				

No	Part	Change	Comments
3	Paragraph 3, 3.1 (iv) and Remove existing (v)  <b>Extraordinary Meetings</b>	any <del>ten</del> <b>five</b> Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition  <del>at least one third of the Members of the Council if they have signed a requisition presented to the Chair of the Council to move a motion for the removal of the Leader of the Council.</del>	Makes the position legally compliant, in accordance with the LG Act 1972.
<b>Part 4 Cabinet</b>			
4	Part 4.1, Paragraph 3  <b>Leader</b>	The Leader will be a Councillor elected by the Council to that position. This will normally be at the Annual Meeting following whole council elections <b>which are held every four years</b> . The Leader will hold office for the <b>full four year remaining</b> term of the Council unless: <ul style="list-style-type: none"> <li>(a) they resign from the office; or</li> <li>(b) they are no longer a councillor; <b>or</b></li> <li>(c) <b>on the expiry date of their fixed term of office as Leader which is the date of the post-election annual meeting which follows their election as Leader; or</b></li> <li>(d) or they are removed from office by resolution of the Council.</li> </ul>	Makes the position legally compliant, in accordance with the LG Act 1972 and the Local Government Act 2000 as amended.

No	Part	Change	Comments
		<p>In the event that the circumstances in (a) to (c) above occur to create a vacancy in the office of leader of the council, an election to fill the vacancy will be taken at the next ordinary meeting of the Council or at an extraordinary meeting of the Council. In the case of (c) the election to fill the vacancy should occur, where possible, at the same meeting at which the resolution removing the leader is passed. The newly elected leader will remain in office for the remaining term of the Council subject to paragraphs 3(a) to (c).</p> <p>In the event of (d) above and the Council passes a resolution to remove the Leader, a new Leader is to be elected:</p> <ul style="list-style-type: none"> <li>(a) at the meeting at which the Leader is removed from office; or</li> <li>(b) at a subsequent meeting; or</li> <li>(c) at an extraordinary meeting of the Council called for that purpose</li> </ul> <p>The Leader may be removed from office by resolution of the Council on notice of a Motion to Council and approved, without amendment, by the Council. Any such Motion must be delivered to the Proper Officer in writing at least ten working days before the date of the meeting at which it is to be addressed. If the Council passes such a</p>	

No	Part	Change	Comments
		resolution, a new Leader is to be elected in accordance with paragraph x (a) – (c) above.	
5	<b>New Paragraph 4</b>  <b>Deputy Leader</b>  Re-number following paragraphs accordingly	The Leader will appoint at least one of the Cabinet Members as Deputy Leader, who will hold office until the end of the Leader’s term of office, unless they: <ul style="list-style-type: none"> <li>• resign as Deputy Leader,</li> <li>• cease to be a councillor; or</li> <li>• removed from office by the Leader.</li> </ul> Where a vacancy occurs, the Leader must appoint another Deputy Leader. The Deputy Leader must, if for any reason the Leader is unable to act or the office of Leader becomes vacant (and pending the election of a new Leader by the Council), discharge all roles and functions of the Leader. If, for any reason, both the Leader and Deputy Leader are unable to act or both positions become vacant, the Cabinet must act in the Leader’s place or must arrange for another Cabinet Member to act in their place.	Makes the position legally compliant, in accordance with the LG Act 1972
6	Existing 4, Renumber 5  <b>Other Cabinet Members</b>	<del>In addition to the Deputy Leader, the Leader will appoint a maximum of eight members to serve as Other Cabinet Members. The Leader will maintain and publish a list of portfolio responsibilities of the individual Cabinet Members, which will be shall be Councillors appointed by the Leader and notified to the Council. One of the other Cabinet Members will be designated as Deputy Leader. Cabinet Members will hold office until:</del>	Makes the position legally compliant, in accordance with the LG Act 1972.

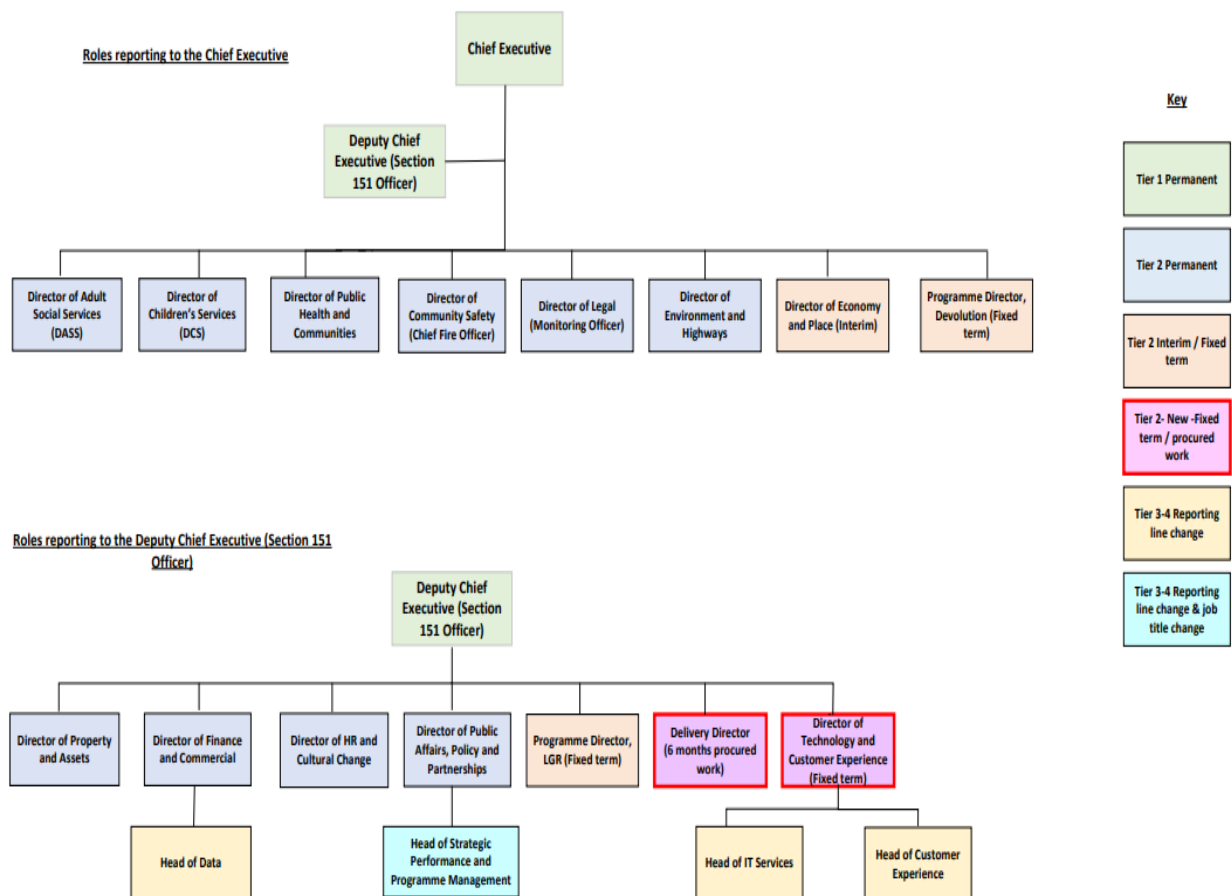
No	Part	Change	Comments
		(a) they resign from office; or (b) they are no longer councillors; or (c) they are removed from office by the Leader of the Council who must give written notice of any removal to the Proper Officer in writing or by e-mail. The removal will take effect two working days after receipt of notice by the Proper Officer.	
<b>Part 7 Scheme of Delegation to Officers</b>			
7	Part 7.1 <b>Officers</b>	Reflects the new officer structure	See Annex 1
8	Part 7.2 <b>Scheme of Delegation to Officers</b>	Provides clarity and reflects the new officer structure	See Annex 2
<b>Part 9 Codes and Protocols</b>			
9	Part 9.2, paragraph 7, 7 d (i) and (iii)  Rights of Councillors to Place Items on an Agenda	notice of the request is received by the Proper Officer by 5.00 p.m. on the <del>tenth</del> <b>twentieth</b> working day before the meeting of a committee or sub-committee, <b>to enable a report to be prepared;</b>	To comply with the Local Government (Access to Information) Act 1985 (as now incorporated into the Local Government Act 1972).

No	Part	Change	Comments
		the item will normally be for oral report unless 20 working days' prior notice is given to enable a report to be prepared.	

# Officers

## 1. Management Structure

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



Post	Principal Areas of <del>Service</del> Responsibility
Chief Executive	Head of the Council's Paid Service; corporate management and promotion of the Council's strategic objectives; overall responsibility for emergency planning, disaster recovery and resilience as defined in the Civil Contingencies Act 2004; overall responsibility for health and safety as it relates to the functions of the Council (Health and Safety at Work Act 1974).
<del>Executive Director of People and Transformation</del>	<del>Cross Council Transformation programme; line management of Director: of Public Health and Communities, Director: Adult Social Care and Director: Children's Services; Chief Fire Officer and Community safety, community hubs; customer services; insight; digital and transformation.</del>
<del>Executive Director of Resources</del> <del>Deputy Chief Executive</del> <del>(and Section 151 Officer)</del>	Corporate financial management and administration (Section 151 Officer); internal audit & counter fraud; procurement & commercial; Oxfordshire Local Government Pension Fund; human resources and cultural change; health and safety; property services; equalities, diversity and inclusion; corporate strategy; public affairs; marketing and communications; and IT Services; Senior Information Risk Owner (SIRO).
Director of Law & Governance and Monitoring Officer	Monitoring Officer; the Constitution and corporate governance framework; ethical governance; Legal Services and advice; support for councillors and the democratic process; access to information; elections; Local Government and Social Care Ombudsman; information governance; Data <del>p</del> Protection Officer and Data Controller qualified person pursuant to S36 of the Freedom of Information Act 2000; <del>e</del> Coroners <del>s</del> Service and Registration.

Post	Principal Areas of <u>Service Responsibility</u>
Director of Public Health & Communities	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; Libraries and Heritage services, which includes libraries, history and museum services; <u>Asylum and Resettlement services including services for refugees.</u>
Director of Adult Social -Services	<p>Statutory role: <u>The Director of Adult Social Services (DASS) including: holds statutory</u> 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; <u>and</u> promoting social inclusion and wellbeing. <u>The role is responsible for the Ddelivery and oversight of a comprehensive range of</u> adult social <u>care-services</u> including residential and nursing care; supported living; intermediate care; home support; assessment and re-ablement; occupational therapy; sensory impairment <u>services</u>; hospital <u>social work</u> teams; mental health <u>services</u>; carers' services; translation and interpretation <u>services</u>. <u>Shared Lives</u> (CQC registered); <u>the</u> employment <u>services</u>; print <u>services</u>; community support services; <u>Approved Mental Health Professional (AMPH)</u> services and transitions <u>teams</u>.</p> <p><u>The DASS also holds R</u>esponsibility for <u>the</u> joint commissioning <u>team</u> with the <u>Integrated Care Board (ICB)</u> <u>which</u> <u>includ</u>ing <u>responsibility</u> <u>accountability</u> for the <u>governance</u>, <u>management</u> <u>and</u> <u>assurance</u> of associated Section 75 <u>partnership</u> agreements.</p>

Director of Children's Services	<p>Statutory role including: discharging the education, <a href="#">SEND</a>, and children's social <a href="#">care</a> services, <a href="#">Youth Offending services</a> 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 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.</p> <p><a href="#">Statutory delegation on behalf of the Chief Executive to discharge and oversee safeguarding responsibility across the local authority geography.</a></p>
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Post	Principal Areas of <u>Service Responsibility</u>
Director of Environment and Highways	Highways <u>maintenance</u> ; network management; road safety; travel planning; - bus services; nature policy; countryside, <u>trees</u> and <u>public</u> rights of way services; archaeological service; waste management; <del>Lead Local Flood Authority transport scheme and infrastructure delivery,</del> and <del>T</del> transport <del>P</del> policy <u>and</u> <del>S</del> strategy.
Director of Economy and Place	Inclusive economic development <u>and business engagement</u> ; climate change, <u>adaptation, circular economy, and energy</u> policies and programmes; development plans and developer funding; strategic development schemes; place shaping <u>and regeneration</u> , strategic and regulatory planning; <u>Rail Strategy and Programmes</u> ; <u>Lead Local Flood Authority, strategic development strategies</u> ; transport development control; local highway authority responses to consultations on planning applications; minerals and waste; <del>devolution,</del> strategic <u>and regional</u> partnerships <del>and business engagement</del> ; <u>and Innovation, service; flood risk management.</u>
Chief Fire Officer and Director of Community Safety	Fire and rescue services*; trading standards; animal welfare; emergency planning; community safety.  *NB -The Chief Fire Officer has statutory responsibility for the fire and rescue service
<u>Interim</u> Director of <u>Transformation Technology, Digital and Customer Experience</u>	Public enquiries; <u>Transformation programme; IT and the digital</u> programme; data hub; <del>performance and insights.</del>
Director of Financial and Commercial Services	Commercial strategy; green finance initiatives; budget planning and forecasting; internal auditing; capital programme; local authority's pension fund; treasury management; procurement and social value.
Director of Property and Assets	<u>Provide S strategically leadership and operational oversight for the council's property and asset portfolio, including the management and maintain optimisation of council-owned and /operated buildings; fleet services; manage and maintain fleet owned/operated by the council; and home-to-school and service transport for Adults and/ Children, 's including SEND provision, home to school/facilities transport; supporting Adults &amp; Children's with associated property needs; gypsy and traveller services. Ensure the effective delivery of property-related services supporting Adults' and Children's services (including Gypsy and Traveller sites), alongside the development and assurance of the council's Health and Safety management system and policy framework.</u>

Director of Public Affairs, Policy and Partnerships	External communications, marketing and campaigns; consultations and engagement; public affairs; strategy and policy development, including equality, diversity and inclusion; key partnerships, including the voluntary and community sector and the civilian military partnership; councillor priority fund scheme. <a href="#">Corporate Portfolio Management Office (CPMO), performance and insight; business improvement.</a>
Director of HR and Cultural Change	Human resources; recruitment and retention; cultural change (Delivering the Future Together); internal communications; staff training and development; apprenticeship management.

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

<b>Designation</b>	<b>Officer</b>
Head of the Council's Paid Service	Chief Executive
Monitoring Officer	Director of Law and Governance <a href="#">and Monitoring Officer</a>
Chief Finance Officer (Section 151 Officer)	<del>Executive Director of Resources</del> <a href="#">Deputy Chief Executive (S.151 Officer)</a>

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 the Budget and the Policy Framework at Part 1.2 of this Constitution, 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(19) of the Constitution) will apply to any key decisions taken under ~~the~~ 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 [in accordance with their statutory functions](#) will report to the ~~Full~~ Council or, in the case of an executive function, to the Cabinet, if ~~they~~ [the Monitoring Officer](#) considers that any proposal, decision or

omission has or would be likely to give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.<sup>1</sup>

- (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
- (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 they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.<sup>2</sup>

<sup>1</sup> Section 5 of the Local Government & Housing Act 1989

<sup>2</sup> Section 151 of the Local Government Act 1972

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

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

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

## 6. Deployment and Management of Staff in General

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

## 7. Powers Exercisable by Officers

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

## 8. Sub-Delegation to Designated Officers

The Chief Executive's and other officers' powers conferred by this Part 7.1, including any proper officer functions, may be exercised by other officers designated in writing by the Chief Executive, (and the ~~Executive Director of Resources~~ [Deputy Chief Executive \(S.151 Officer\)](#) in relation to financial delegations), 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 Council as set out in this scheme and the Constitution. For the purpose of this scheme, 'officers' includes those officers included in Part 7.1 of the Constitution.
- 1.2. This scheme is without prejudice to the exercise of the Council's functions by the Council, the Cabinet, the Council's committees and sub-committees and their own powers of delegation and by the officers mentioned within 1.1 above.
- 1.3. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.
- 1.4. The Council has given a General Indemnity to any officer acting in the purported discharge of any authority delegated to them for any action, costs, claim or liability incurred by them.
- 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 their 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 [non-operational](#) function in place of an officer;
  - (e) in this Scheme references to the Cabinet shall be taken to include the relevant Cabinet Member, or a committee of the Cabinet insofar as the function concerned has for the time being been delegated to such member or committee;
  - (f) ~~if when any exercise of exercising a~~ delegation ~~an making~~ incorrect references ~~is made~~ to any part of the Constitution, relevant statute, legislation or by ~~elaw~~; ~~this~~ -shall not, of itself, invalidate the authorised delegation.

## 2. Principles of Delegation

2.1. The Chief Executive and other officers (as defined in paragraph 1.1 of this Scheme) – are empowered to make decisions on behalf of the Council in accordance with the following general principles:

- (a) If a function, power or responsibility has not been specifically reserved to the Council, a committee, or the Cabinet, the other officers within whose remit the matter falls ~~are~~<sup>is</sup> authorised to act.
- (b) The Council, its committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and the other officers have express authority to take all necessary actions to implement Council, committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- (c) The Chief Executive and the other officers are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
- (d) The Chief Executive and the other officers are empowered to take all necessary decisions in cases of emergency<sup>1</sup>.
- (e) In relation to all delegated authority conferred on the other officers by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as they think fit.
- (f) Where an officer is absent from the workplace for a period of time ~~which~~<sup>which</sup> 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 their 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

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<sup>1</sup> 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 and Monitoring Officer and the ~~Executive Director of Resources~~ Deputy Chief Executive (S.151 Officer).
  - (i) Anything delegated to an officer is also delegated to the Chief Executive, other than those reserved to the statutory officers;
  - (j) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.
  - (k) The exercise of delegated functions shall be in accordance with the managerial requirements of the Chief Executive otherwise than in matters of professional expertise, and subject to the legal requirements of the Director of Law & Governance and Monitoring Officer and the financial requirements of the ~~Executive Director of Resources~~ Deputy Chief Executive (S.151 Officer).
- 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 chair 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 & Governance and Monitoring Officer 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 their directorate and will provide copies to the Director of Law & Governance and Monitoring Officer for retention.
- 3.3. The Director of Law & Governance and Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The record shall be kept up to date according to any additions or other variations to the powers and functions which are delegated to officers.
- 3.4. Any decision of an officer having substantive effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. Any key decision shall be recorded as required by the

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

#### 4. Scope of Powers

- 4.1. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution, including its ~~C~~contract Procedure Rules and Financial Procedures Rules ~~(at Part 8.2 of this Constitution)~~ and ~~R~~regulations (respectively at Parts 8.3 and 8.2 of this Constitution) (and any guidance made in respect of these rules), and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 4.2. Without prejudice to the generality of the foregoing the Chief Executive and the other officers shall have the power:
- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
    - (i) invitation ~~and acceptance~~ of tenders and award of contracts, subject to the Contract Procedure ~~R~~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 & Governance and Monitoring Officer 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 ~~Executive Director of Resources~~ Deputy Chief Executive (S.151 Officer) (or of a member of their staff nominated by them 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 & Governance and Monitoring Officer given either generally or in a particular case, the issue of formal notices, orders, instructions and instruments required under any legislation relating to their

- functions and areas of service or otherwise to give legal effect to the exercise of the powers set out above;
- (vii) authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the council, subject to authorisation by the Director of Law & Governance and Monitoring Officer;
  - (viii) the negotiation of agreements or arrangements with other services of the Council or other companies or organisations relating to the provision of services for their area of responsibility;
- (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 ~~Executive Director of Resources~~ [Deputy Chief Executive \(S.151 Officer\)](#) in the role of Section 151 officer in accordance with the Financial Procedure Rules and regulations;
- (d) subject to the Officer Employment Rules set out at Part 8.4 of this Constitution, to determine staffing arrangements within their service 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 [and Cultural Change](#) (except where the power of dismissal is vested by law in the other officer);
  - (iii) the transfer of posts within the total establishment of their service;
  - (iv) all disciplinary matters;
  - (v) granting ex-gratia payments up to a limit determined by the Director of Law & Governance and Monitoring Officer 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 HR and Culture Change and the ~~Executive Director of Resources~~ Deputy Chief Executive (S.151 Officer).

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

## 5. Delegation in Practice

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

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

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

## 6. Specific Powers and Functions

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

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

as may be delegated to them from time to time. The powers and functions which are for the time being delegated to the Chief Executive, Director of Law & Governance and Monitoring Officer, ~~and the Executive Director of Resources Deputy Chief Executive (S.151 Officer) and other service directors~~ are listed in this section.

- 6.2. The Director of Law & Governance and Monitoring Officer 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 & Governance and Monitoring Officer, the ~~Executive Director of Resources Deputy Chief Executive (S.151 Officer)~~ and the other officers.

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

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

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

- (d) Following consultation with employees' representatives and with the Cabinet Member having responsibility for human resources and any

other member(s) of the Cabinet whose responsibilities include a service particularly affected, approval of amendments to the ~~County~~ Council's personnel policies and procedures, subject to reference being made to the Cabinet where either:

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

6.4. The **Director of Law & Governance and Monitoring Officer** is authorised to:

- (a) take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document; and authority to apply the Common Seal of the ~~County~~ Council to deeds in order to execute them;
  - (i) The Director of Law and Governance and Monitoring Officer will be responsible for the safe-keeping and secure administration of the Common Seal of the Council.
  - (ii) The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Director of Law and Governance and Monitoring Officer may from time to time authorise. References in this Rule and elsewhere in the Constitution to the Common Seal (or the Seal) of the Council and to the sealing of documents shall be taken to refer to the official seal and any accompanying attesting signatures as being affixed either by physical means, or by the electronic means provided for in this Rule.
  - (iii) The Director of Law and Governance and Monitoring Officer or other person authorised by them may authenticate any document that may be required for legal proceedings.
- (b) institute, defend, settle or participate in any legal proceedings or disputes in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law and Governance and Monitoring Officer considers that such action is necessary to protect the Council's interests;

- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Cabinet, committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where they consider 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 they consider such action to be appropriate;
- (f) enter objections to any proposal affecting the County, the Council or the inhabitants of the County;
- (g) undertake the following proper officer functions of the Council under the Local Government Act 1972:
  - (i) Declaration of Acceptance of Office (Section 83);
  - (ii) Notice of Resignation of Office (Section 84);
  - (iii) Convening of and Summonses to Meetings (Section 88 & Schedule 12);
  - (iv) Filling of Casual Vacancies (Section 89);
  - (v) Ordnance Survey (Section 191);
  - (vi) Charitable Trusts (Section 210);
  - (vii) Deposit of Documents (Section 225);
  - (viii) Certificate of Photographic Copies of Documents (Section 229);
  - (ix) Authentication of Documents (Section 234);
  - (x) Procedure etc. for Bye-Laws (Section 236);
  - (xi) Evidence of Bye-Laws (Section 238);
  - (xii) Enactments relating to Town & Country Planning (Schedule 16 where not repealed)
  - (xiii) Adaptations, Modifications and Amendments of Enactments (Schedule 29);
- (h) the functions of Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act 1989 and in accordance with Part 7.1 of this Constitution;
- (i) the proper officer functions of the Council for the purposes of giving public notice of the receipt of a report from the Local Government and Social Care Ombudsman, for the purposes of Part III of the Local Government Act 1974;
- (j) following consultation with the [Executive Director of Resources Deputy Chief Executive \(S.151 Officer\)](#) -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 overview and 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 an overview and scrutiny committee to reflect detailed changes in the remits of individuals or bodies which are specified in those terms of reference, consulting with the Overview and Scrutiny Chairs and Deputy Chairs in each case;
- (q) authorisation of the reproduction or display of the Council's armorial bearings or any part thereof;
- (r) as Monitoring Officer, the functions of the 'qualified person' under the Freedom of Information Act 2000 (Section 36(5)(o)(iii)) for determining whether the exemptions under Section 36 are engaged;
- (s) to put in place appropriate indemnity and insurance to enable councillors to undertake their functions;
- (t) 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 & Governance and Monitoring Officer does not already have such a delegation);
- (u) approve councillor attendance at conferences and councillor claims for expenses including travelling, subsistence and accommodation.

- (v) The Monitoring Officer is authorised to make any changes to the Constitution which are required:
  - a) to comply with the law; or
  - b) to give effect to decisions of the Council or (so far as within their powers) the Cabinet, scrutiny committees and ordinary committees; or
  - c) to correct errors and otherwise for accuracy or rectification.
- (w) to update Part 10.1 of the Constitution - Members' Allowances annually in line with any requirement under the Scheme of Allowances to apply indexation to Members' Allowances.

(x) [the proper officer functions of the Council for the purposes of providing statutory oversight and governance of the data protection and processing of personal data by the Controller \(the Council\) under the Data Protection Act 2018 \(s.69-71\), the UK General Data Protection Regulation, the Data \(Use and Access\) Act 2025, the Privacy and Electronic Communications Regulation 2003 and relevant data legislation. Position of Data Protection Officer \(Data Protection Act 2018, section 70\).](#)

6.5. The [Deputy Chief Executive \(S.151 Officer\)](#)~~Executive Director of Resources~~ is authorised to undertake:

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

full-time education or in training for a trade, profession or vocation has taken a gap year, subject to a report to the Pension Fund Committee on such determinations.

6.6. The **Director of Adult Social Services** is authorised to undertake:

- (a) The proper officer functions for the Council for the purposes of Section 6(1) Local Authority Social Services Act 1970;
- (b) The proper officer functions for the Council for the purposes of the Health and Social Care (National Data Guardian) Act 2018; National Data Guardian. To act as the Caldicott Guardian for the Council, ensuring compliance with the Caldicott Principles and statutory guidance on the use and sharing of personal confidential information in health and social care; and
- (c) All functions relating to Adult Social Services and Commissioning and be the Authority's designated Director of Adult Services as required by the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 1983 and the Human Rights Act 1998.

6.7. The **Director of Children's Services** is authorised to undertake:

- (a) The proper officer functions for the Council for the purposes of Section 18 Children Act 2004;
- (b) The proper officer functions for the Council for the purposes of Section 532 Education Act 1996;
- (c) All functions relating to Children's Services as set out in legislation, and be the Authority's designated Director of Children's Services as required by the Children Act 2004;
- (d) Delegated statutory functions for safeguarding on behalf of the Chief Executive Officer under 'Working Together' legislation 2024 and 2026;
- (e) All functions relating to education except for decisions to publish statutory notices to open or make significant changes to schools which must be taken in consultation with the Cabinet Portfolio Holder; and
- (f) All functions relating to the Youth Service and the Youth Justice Service.

6.8. The **Chief Fire Officer and Director of Community Safety** is authorised to undertake:

- (a) The proper officer functions for the Council for the purposes of Section 72(1)(a) Weights and Measures Act 1985 (as Chief Inspector of Weights and Measures);
- (b) Measures to ensure the provision of the Fire & Rescue Services Act 2004, the Regulatory Reform (Fire Safety) Order 2005, Civil Contingencies Act 2004, Fire Protection and Trading Standards legislation and associated policies are discharged appropriately;
- (c) All functions relating to the Fire and Rescue Service;
- (d) All enforcement and licensing functions relating to Health and Safety including the storage of explosives and petroleum;
- (e) All functions relating to Trading Standards, Weights and Measures and Consumer Protection;
- (f) All functions relating to food standards and safety;
- (g) All functions relating to animal health and welfare, and animal feed;
- (h) All functions relating to Civil Aid and Emergency Planning;
- (i) All functions relating to investigations and enforcement to enable delivery of the service; and
- (j) All other functions relating to the delivery of the service as outlined in the legislative framework.

6.9. The **Director of Economy and Place** is authorised to undertake:

- (a) Those delegated decisions associated with the Council's role as a Planning Authority and Minerals and Waste Authority as delegated by the Planning and Regulatory Committee including the conclusion and management of s106 obligations and other legal agreements related to planning decisions, development management and enforcement;
- (b) Other steps to ensure that the Council fulfils its statutory and non-statutory responsibilities in relation to the Planning Framework, such as archaeology and conservation, including commissioning and agreeing the Council's formal responses to planning and other related consultations as statutory and non-statutory consultee;
- (c) The negotiation, conclusion and management of Agreements under the Highways Act 1980;

- (d) The Council's functions as Lead Local Flood Authority;
- (e) The development of place infrastructure related policy and strategy, including the Oxford Infrastructure Strategy;
- (f) Steps to ensure that services build enduring relationships with partner Local Authorities and their Planning and Regeneration teams to secure joined up and effective place services;
- (g) The integrated delivery, improvement, management, and performance of a diverse portfolio of Council services including Innovation (iHub), Innovate Oxfordshire and the client role for Enterprise Oxfordshire, commissioning and directing activity within the Council and externally, as required; and
- (h) All other functions relating to Economy and Place, including the development and implementation of policy and strategy relating to Minerals and Waste development, Climate Action, Adaptation and Circular Economy, Energy, Future Economy, Healthy and Sustainable Place Shaping and Regeneration and Rail.

6.10. The **Director of Environment & Highways** is authorised to undertake:

- (a) All functions relating to highways (including highways management, maintenance and network management);
- (b) All functions relating to the development of transport infrastructure in respect of the planning and delivery;
- (c) All functions relating to environmental and countryside services, such as Public Rights of Way, biodiversity and landscape promotion, arboriculture management;
- (d) All functions relating to traffic management;
- (e) All functions relating to passenger transport;
- (f) All functions relating to road safety;
- (g) All functions relating to waste, including disposal and Household Waste Recycling Centre Services;
- (h) The development of transport planning related policy and strategy, including the Local Transport Plan and associated documents;
- (i) All functions relating to investigations and enforcement for the delivery of the highways and environment service.; and
- (j) All other functions relating to the delivery of the highways and environment service as outlined in the legislative framework.

6.11. The **Director of Financial and Commercial Services** is authorised to undertake:

- (a) All functions relating to Financial and Commercial Services to ensure the implementation of effective and compliant financial and procurement practice across the whole organisation;
- (b) the implementation of the Council's Medium Term Financial Strategy;
- (c) All functions relating to Pension Services;
- (d) The provision of an effective Internal Audit and Counter Fraud service; and
- (e) The delivery of the Capital Strategy with a focus on capital programme evaluation control and governance.

6.12. The **Director of HR and Cultural Change** is authorised to undertake:

- (a) The management of the Council's HR and Cultural Change activities including job evaluation and judgement on market forces and employee benefits;
- (b) Industrial relations and employment matters; and
- (c) All functions relating to HR.

6.13. The **Director of Property and Assets** is authorised to undertake:

- (a) All actions to deliver the effective, efficient, and compliant management of the Council's land and property portfolio, aligning asset decisions to corporate priorities and service outcomes;
- (b) All actions in relation to the disposal of land or property under section 123, taking consideration towards a wider social, economic, and service objectives, delivering best value while supporting the Council's strategic priorities;
- (c) The management of leases granted or entered into by the Council including lease renewals, rent reviews, applications for consents and the negotiation and enforcement of schedules of dilapidations;
- (d) Facilities management, premises-related contracts, property maintenance to ensure assets remain safe, compliant, operationally fit for purpose, and cost-effective;

- (e) The discharge of all functions related to the provision of Adults' and Children's SEND home-to-school and facilities transport, ensuring accessibility, safety, and value for money;
- (f) All functions relating to the provision, management, and compliance of travellers' sites; and
- (g) Overall responsibility for all functions as outlined in the relevant legislative framework relating to property and assets, providing assurance, governance, and professional leadership across the Council's estate.

6.14. The **Director of Public Affairs, Policy and Partnerships** is authorised to undertake:

- (a) All functions relating to external communications, marketing and campaigns; public affairs; strategy and policy development;
- (b) All functions relating to partnerships, including the voluntary and community sector and the civilian military partnership;
- (c) All functions relating to Corporate Portfolio Management Office (CPMO); business improvement; and performance & insight; and
- (a) All functions relating to the councillor priority fund scheme.

6.15. The **Director of Public Health and Communities** is authorised to undertake:

- (a) The proper officer functions for the Council for the purposes of Section 73A of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012);
- (b) All functions relating to Public Health;
- (c) All functions relating to Libraries and Heritage services, which includes libraries, history and museum services; and
- (d) All functions relating to Asylum and Resettlement services.

6.16. The **Interim Director of Technology and Customer Experience** is authorised to undertake:

- (a) All functions relating to public enquiries, IT and the digital programme; and data hub.

**6-6-6.17. 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 they are responsible as set out in Part 7.1, subject to the provisions of Part 7.2 of this Constitution. The Officer will maintain a separate record of sub-delegations pertaining to their directorate and will provide copies to the Director of Law & Governance and Monitoring Officer for retention under this Schedule.

~~6-7-6.18.~~ For the avoidance of doubt, the delegation to the Director of Economy and Place is subject to consultation jointly with the Director of Law & Governance and Monitoring Officer, to determine the Council's own applications for certificates of lawfulness of existing or proposed use or development.

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