

ANNEX 3 – INCORPORATION OF ARTICLES INTO MAIN BODY OF CONSTITUTION

TABLE OF AMENDMENTS

Current section	Where from	Notes
New Part 1.1	The old Part 1 plus Article 1	<i>"The Oxfordshire County Council Constitution"</i>
		Text at end of the old Part 1 introducing the Articles has been removed as the Articles are now incorporated into the main body of the constitution
		Amendments made to Article 1: Paras 1 and 2 incorporated into one paragraph; old paragraph 6(c) incorporated into (a)
New Part 1.2	The old Part 1 plus Articles 2-5	<i>"How Oxfordshire County Council operates"</i>
		Amendments made to Article 2: Paras 1 and 2 condensed; Para 3 transferred but text about Rights and Duties removed as separately covered in constitution; Para 4 condensed; Paras 5 and 6 (Conduct and Allowances) removed as separately covered in constitution; Appendix on Member Champion Role moved to Part 8
		Amendments made to Article 4: Paras 1 to 4 incorporated; table in para 4 omitted as superfluous; paras 5-7 omitted as they just provide links between the Articles and the main body of the Constitution, which aren't necessary when the Articles are incorporated into the Constitution
		Amendments made to Article 5: Order reversed so starts with the substantive role of the Chair and ends with the ceremonial role (Article 5 began with the ceremonial role)
		Amendments made to Article 3: Sub-paragraph headings removed from section 1; Citizens' responsibilities section (section 2) removed as self-evident.
New Part 1.3	The old Article 14	<i>"Decision Making"</i>
		Amendments made to Article 14: Paragraphs 4-7 and 9 omitted as they just provide links between the Articles and the main body of the Constitution, which aren't necessary when the Articles are incorporated into the Constitution
New Part 3.5	The old Article 12	<i>"Agency, Partnership and Joint Arrangements"</i>

		so the two fit together without need for textual amendments (other than removing redundant linking material from paragraph 1 of Article 7)
New Part 6.1B	The existing Part 6.1 and Article 8	<i>"The Oxfordshire Joint Health Overview and Scrutiny Committee"</i>
		Article 8 defined the role of the Committee and the existing Part 5.1 lists current members, so the two fit together without need for textual amendments
New Part 7.1	Article 13	<i>"Officers"</i>
		Article 13 has been made into a new Part 7.1 (the only textual amendment made remove obsolete references to the Section 113 Agreement with Cherwell DC)
New Part 7.2	The existing Part 7.1	<i>"Scheme of Delegation to Officers"</i>
		The existing Part 7.1 has become Part 7.2. References to "the Articles" have been removed as there are no longer separate Articles.

The Oxfordshire County Council Constitution **[formerly Article 1]Background**

1. The Council's Constitution

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

This Constitution and all documents in its Parts is the Constitution of Oxfordshire County Council. The electronic copy of the Constitution appearing on the Council's website is to be regarded as the master copy of the Council's Constitution.

2. Purpose of the Constitution

The purpose of the Constitution is to:

- (a) set out the Council's governance arrangements which will provide clear leadership to the community in partnership with citizens and other stakeholders;
- (b) support the active involvement of citizens in the process of local authority decision-making by setting out their rights in respect of the process of decision-making and access to information;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create an effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) set out the standards of conduct expected of Councillors and those who work for or with the Council.

3. Interpretation of the Constitution

- (a) Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution.

- (b) The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. In interpreting this Constitution, the Chair of Council shall seek the advice of the Monitoring Officer. Such interpretation will have regard to the purposes of this Constitution set out above.

4. Review and Revision of the Constitution

4.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect and make recommendations on any necessary amendments to it to the Council. In undertaking this task they shall:

- (a) observe meetings of different parts of the Councillor and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised by Councillors, officers, the public and other relevant stakeholders; and
- (d) compare practices in the authority with those in other comparable authorities, or national examples of best practice.

4.2 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.

All other changes to the Constitution will only be approved by the full Council after consideration of a recommendation from the Monitoring Officer.

5. Suspension of the Constitution

- (a) **Limit to suspension.** Only the Council Rules of Procedure set out in Part 3.1 (except Rule 17.6 and Rule 18.2), may be suspended by full Council and then only for the duration of a Council meeting. Any temporary suspension of any part of this Constitution shall only happen

if agreed by the Chair of the Council after they have sought advice from the Monitoring Officer.

- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of the suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out above.

6. Publication of the Constitution

- (a) The Monitoring Officer will ensure that each member of the authority is made aware of the location of the Constitution on the Council's website upon delivery to them of that individual's declaration of acceptance of office on the Councillor being elected to the Council. Changes to the Constitution will be notified to all Councillors after they have been agreed.
- (b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and is available electronically on the Council's public website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available free of charge within the County and is updated as necessary.

~~Oxfordshire County Council's Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed rules, protocols and codes of practice are provided in Parts 8 and 9 of the Constitution.~~

~~One reason for bringing all these things together in one Constitution is to provide a handbook for the councillors and others who are directly involved in the business of the Council. It also has the important purpose of providing a guide for local people, businesses and other organisations to understand how the Council's system works. The Constitution has been formally approved by the Council but is kept under review and updated from time to time by the Council or the Monitoring Officer.~~

- ~~2. Article 1 of the Constitution commits the Council to exercise all its powers and duties in accordance with the law and this Constitution. Articles 2-15 explain how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law⁴, while others are a matter for the Council to choose. The Articles are:~~
- ~~3.—~~
- ~~4. The Constitution (Article 1)~~
- ~~5. Members of the Council (Article 2)~~
- ~~6. Citizens and the Council (Article 3)~~

⁴ especially the Local Government Acts 1972 and 2000 and the Local Government and Housing Act 1989 and various regulations made under these Acts

- ~~7. The Full Council (Article 4)~~
- ~~8. Chair of the Council (Article 5)~~
- ~~9. The Cabinet (Article 6)~~
- ~~10. Overview and Scrutiny Committees (Article 7)~~
- ~~11. The Oxfordshire Joint Health Overview & Scrutiny Committee (Article 8)~~
- ~~12. Regulatory and other Committees (Article 9)~~
- ~~13. Health & Wellbeing Board (Article 10)~~
- ~~14. The Remuneration Committee (Article 11)~~
- ~~15. Agency and Joint Arrangements (Article 12)~~
- ~~16. Officers (Article 13)~~
- ~~17. Decision Making (Article 14)~~
- ~~18. Finance, Contracts and Legal Matters (Article 15)~~
- ~~19.~~

20. — How the Council Operates

Oxfordshire County Council comprises 63 county councillors elected every four years. County councillors are democratically accountable to the residents of their electoral division. The overriding duty of county councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit & Governance Committee is responsible for promoting high standards of conduct by councillors and co-opted members, as well as monitoring the operation of the Members' Code of Conduct and advising councillors and co-opted members on matters relating to the Members' Code of Conduct.

All county councillors regularly meet together as a single body — known as the 'full Council'. Meetings of the full Council are open to the public. Here county councillors decide their spending plans (the 'revenue budget' and 'capital programme') in February each year. The full Council also approves a number of plans and strategies which, together with the revenue budget and capital programme, are known as the 'Budget and Policy Framework' (see Article 4).

The full Council is also responsible for appointing the Leader of the Council and various committees: some of these committees are responsible for overseeing and reviewing the decisions of the Cabinet on behalf of the Council; others have statutory non-executive responsibilities to discharge. The Cabinet and the committees are described in more detail below.

21. — How Cabinet Decisions are Made

The Cabinet is the part of the County Council which is responsible for most of the day-to-day main decisions about the Council's functions and services. The Cabinet comprises the Leader of the Council and up to nine other councillors, each of whom has a special area of responsibility or 'portfolio': these are set out in detail at Article 6.

Major decisions are normally made at the Cabinet's regular monthly meetings; others are made by individual Cabinet Members or a committee of two or more Cabinet Members. Both processes are open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to work within the Council's Budget and Policy Framework. The County Council can approve (or reject) any proposals from the Cabinet for action which is outside the Framework. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Key Decisions

Certain types of decision are classified as 'key' decisions. A 'key' decision is defined in law² as a "decision in relation to any executive function which is likely to be 'significant'³ either in terms of the level of expenditure involved or the effects on the communities in two or more county councillors' electoral divisions". In general, a key decision may not be taken unless notice of it has been included in the Cabinet's 4-month 'Forward Plan', published each month, which gives information about the forthcoming decisions, when they will be taken and by whom, and how to make any representations about them.

However, the Council has decided that Oxfordshire's Forward Plan should include all those matters which are expected to come before the Cabinet in the period of the Plan, whether or not they are likely to be classed as 'significant'.

22. Non-Cabinet Councillors

County councillors who are not members of the Cabinet have equally important roles to play. As well as their responsibilities for looking after the interests of their constituents, they exercise non-executive functions of the County Council through membership of one or more of the County Council's standing committees which deal with largely regulatory matters which the Cabinet is not entitled to deal with. These are:

- **Audit & Governance** — providing assurance on the Council's risk, control and governance arrangements; promoting high standards of conduct by councillors and co-opted members, as well as monitoring the operation of the Members' Code of Conduct and advising councillors and co-opted members on matters relating to the Members' Code of Conduct.
- **Pension Fund** — managing the pension fund for participating employees of the County Council and other participating organisations and authorities.
- **Planning & Regulation** — dealing with various licensing matters as well as planning applications.
- **Remuneration Committee** — dealing with staffing matters including preparation of the annual pay policy statement.

There is more about each of these committees in Articles 9 and 11.

Many of the day-to-day decisions on these matters will, in practice, be taken by sub-committees of councillors or by professional officers acting in accordance with the delegation arrangements described later. Ultimately they will still be accountable to the relevant committee or the full County Council, depending on the decision involved.

23. Overview and Scrutiny

These committees monitor the actions of the Cabinet and the other committees and may call them to account. Non-Cabinet members can (subject to certain rules) require decisions of the Cabinet to be 'called in' for review by the relevant Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.

² *The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*

³ Significant in this context has the meaning set out in Article 14 (Decision Making), paragraph 3(b)

24. ~~Cabinet Advisory Groups~~

~~These task and finish groups aid the Cabinet in the formulation of policy. They bring non-Cabinet members closer to the decision making of the Council and complement the role of the scrutiny committees.~~

25. ~~The County Council's Staff~~

~~The County Council employs professional staff (or 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the County Council acts within the law and uses its resources wisely. Details are in Article 13; there is also a protocol on the relationship between officers and councillors at Part 9.4 of this Constitution.~~

~~Officers may be authorised, either by the full Council, the Cabinet, a committee or a sub-committee (other than a scrutiny committee), to take decisions. The scope of these delegated powers is set out in Part 7 of this Constitution: Scheme of Delegation to Officers.~~

26. ~~Citizens' Rights~~

~~Members of the public have a number of rights in their dealings with the County Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the County Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.~~

~~Where members of the public use specific County Council services, for example as a parent of a school pupil, they may have additional rights. These are not covered in this Constitution.~~

How Oxfordshire County Council operates

1. Councillors [formerly Article 2]

Oxfordshire County Council comprises 63 County Councillors elected every four years (beginning in 2001). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. County Councillors are democratically accountable to the residents of their electoral division. The overriding duty of County Councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.

The key roles of Councillors are as follows:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their electoral divisions and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) maintain the highest standards of conduct and ethics; and
- (vii) take part in the Council's Locality Meeting for their area, the purpose of which is for Councillors within that locality to share information with, and receive updates from, senior managers about the services, priorities and issues affecting that locality.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit & Governance Committee is responsible for promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors' Code of Conduct and advising Councillors and co-opted members on matters relating to the Councillors' Code of Conduct.

From time to time, Councillors will be appointed as "champions" for particular topics. The profile, role and appointment process are set out in Part 8.

2. Full Council [formerly Article 4]

All County Councillors regularly meet together as a single body – known as the 'Full Council'. Meetings of the Full Council are open to the public. Here County Councillors decide their spending plans (the 'revenue budget' and 'capital programme') in February each year. The Full Council also approves a number of plans and strategies which, together with the revenue budget and capital programme, are known as the 'Budget and Policy Framework'.

The Full Council is also responsible for appointing the Leader of the Council and various committees: some of these committees are responsible for overseeing and reviewing the decisions of the Cabinet on behalf of the Council; others have statutory non-executive responsibilities to discharge.

The Full Council will ordinarily meet 6 times a year. Additional extraordinary meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

Only the Full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Budget and Corporate Plan (see below);
- (c) making decisions about any matter in the discharge of an executive function which is covered by the budget or the policy framework where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget or policy framework;
- (d) adopting the Council's Code of Conduct for Councillors;
- (e) appointing the Leader;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) adopting a Members' Allowances Scheme;
- (h) the functions relating to name and status of areas and individuals specified in Schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 including changing the name of the area;
- (i) confirming the appointment of the Head of Paid Service;
- (j) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (k) the making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public Involvement in Health Act 2007;
- (l) appointment of the Council's auditors; and
- (m) all other matters which, by law, must be reserved to Council.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

The Council's Corporate Plan will be approved by Council on a four-yearly basis with annual updates being reported to Cabinet.

The Council will also adopt and maintain other plans from time to time. These may include, for example:

- Library plans
- Community Safety Partnership Strategies
- Local Transport Plan
- Development Plan (including Minerals and Waste)
- Youth Justice Plan

The current plans will be available on the Council's website.

3. The Chair of the Council [formerly Article 5]

The Chair will be elected by the Council annually. No Councillor shall normally occupy the position of Chair for more than one year at a time.

The Chair will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
4. to ensure the business of the Council is discharged effectively and conducted in a fair and even-handed manner taking account of the range of views expressed; and
5. to be the conscience of the Council.

In addition, the Chair:

- (a) takes the chair at Council meetings;
- (b) promotes public involvement in the Council's activities;
- (c) attends such civic and ceremonial functions as the Council and s/he determines appropriate and represents the Council;
- (d) entertains on behalf of the Council;
- (e) at their own discretion lends support to non-political causes as Chair of the Council;
- (f) speaks for the Council as a whole on non-political issues, particularly on public occasions;
- (g) represents the Council, where appropriate, on negotiations with other bodies where the Council is in essence not divided and it is desirable that the Council be seen to be represented at the highest possible level;

- (h) where the Council has expressed its wish, does not speak publicly save in accordance with the declared wish of the Council;
- (i) should consult the Monitoring Officer as to whether it is appropriate for them to make a statement on, or participate in, any particular matter where there can be doubt;
- (j) where advised that a matter is political, should refrain from comment; and
- (k) has discretion to adjourn a Council meeting without question to seek advice from the Monitoring Officer, or other, at any point.

4. Cabinet

The Cabinet is the part of the County Council which is responsible for most of the day-to-day main decisions about the Council's functions and services. The Cabinet comprises the Leader of the Council and up to nine other Councillors, each of whom has a special area of responsibility or 'portfolio'.

Major decisions are normally made at the Cabinet's regular monthly meetings; others are made by individual Cabinet Members or a committee of two or more Cabinet Members. Both processes are open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to work within the Council's Budget and Policy Framework. The County Council can approve (or reject) any proposals from the Cabinet for action which is outside the Framework. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

5. Non-Cabinet Councillors

County Councillors who are not members of the Cabinet have equally important roles to play. As well as their responsibilities for looking after the interests of their constituents, they exercise non-executive functions of the County Council through membership of one or more of the County Council's standing committees which deal with largely regulatory matters which the Cabinet is not entitled to deal with. These include:

- Audit & Governance – providing assurance on the Council's risk, control and governance arrangements; promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors' Code of Conduct and advising Councillors and co-opted members on matters relating to the Members' Code of Conduct.
- Pension Fund – managing the pension fund for participating employees of the County Council and other participating organisations and authorities.
- Planning & Regulation – dealing with various licensing matters as well as planning applications.

- Remuneration Committee – dealing with staffing matters including preparation of the annual pay policy statement,

Many of the day-to-day decisions on these matters will, in practice, be taken by sub-committees of Councillors or by professional officers acting in accordance with the delegation arrangements described later. Ultimately they will still be accountable to the relevant committee or the full County Council, depending on the decision involved.

6. Overview and Scrutiny Committees

These committees monitor the actions of the Cabinet and the other committees and may call them to account. Non-Cabinet members can (subject to certain rules) require decisions of the Cabinet to be 'called in' for review by the relevant Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.

7. Cabinet Advisory Groups

These task and finish groups aid the Cabinet in the formulation of policy. They bring non-Cabinet members closer to the decision making of the Council and complement the role of the scrutiny committees.

8. The County Council's Staff

The County Council employs professional staff (or 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the County Council acts within the law and uses its resources wisely.

Officers may be authorised, either by the full Council, the Cabinet, a committee or a sub-committee (other than a scrutiny committee), to take decisions. The scope of these delegated powers is set out in Part 7 of this Constitution: Scheme of Delegation to Officers.

9. Citizens' Rights [formerly Article 3]

Citizens on the electoral roll for the County have the right to vote in council elections and sign a petition to request a referendum for an elected mayor form of Constitution.

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;

- (iv) report on the proceedings of formal, public meetings of the Council using social media and other technology, provided that this is not disruptive to the meeting;
- (v) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- (vi) inspect the Council's accounts and make their views known to the external auditor;
- (vii) inspect information held by the Council, using the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004;
- (viii) see any personal information held about them by the Council, in accordance with the relevant data protection legislation;
- (ix) submit petitions under the relevant Council, Cabinet and Scrutiny Procedure Rules;
- (x) participate in Council matters by addressing in person or submitting a petition to the Council, a Committee, or the Cabinet, by participating in the Council's public question time and by contributing to investigations by scrutiny committees, including suggesting areas for review by scrutiny committees and issues raised through the Councillor Call for Action; and
- (xi) complain to the Council itself under the appropriate complaints procedure; the Ombudsman after using the Council's own complaints procedure; and the Monitoring Officer about a breach of the Councillors' Code of Conduct.

Decision Making

1. Responsibility for Decision Making

The Council's Constitution explains which parts of the Council, and which individuals, have responsibility for particular types of decision(s) relating to particular areas. The Council will maintain a record of executive decisions taken by officers.

2. Principles of Decision Making

All decisions of the Council or taken by or on behalf of the Council, will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights, diversity and equality, and the natural and built environment;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.

3. Types of Decision

(a) Decisions Reserved to Full Council

Decisions relating to the functions described in this Constitution as falling to the Full Council only will be made by the Full Council and not delegated.

(b) Key Decisions

A decision taker may only take a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules in this Constitution. Regulations define "key decision" as "an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the County."

The Proper Officer in determining the meaning of significant will take into account of any guidance from the Secretary of State. In assisting the Proper Officer in determining the meaning of significant it has been defined as being 25% of the annual revenue budget for the relevant service block (i.e. that part of the Council's total revenue budget allocated to the Cabinet Member for the service area concerned) or

£500,000, whichever is the lower figure, and £1m in the case of capital expenditure; or 25% of the people living or working in the area affected; or 25% of the capacity, frequency or hours of operation of a service or facility.

Officers taking a Key Decision within this definition may only do so after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.

A decision constitutes a key decision only if an outcome as determined by the Proper Officer will result directly from that decision (including a decision to adopt or alter policy), and not (for example) where the substantive decision which will produce that outcome has been or is required to be made by the full Council in accordance with the Budget and Policy Framework Procedure Rules; or where further consideration will be required following public or other consultation or any other process or procedure before the substantive decision is made.

It is the responsibility of the relevant Director, in consultation with the Cabinet Member(s) for the service area in question, to assess whether a decision expected to be made amounts to a key decision; and where a key decision is identified as a result of such assessment the Director shall immediately notify the Proper Officer to enable the decision to be entered in the Forward Plan, in accordance with the Access to Information Rules.

(c) Executive and Non-Executive Decisions

An executive decision other than a key decision can be taken by the Cabinet, a Committee of the Cabinet, an Individual Member of the Cabinet or an officer. Non-executive decisions are those decisions which relate to non-executive functions and are those which are set out in this Constitution and can be taken by a Council Committee or Sub-Committee or an officer.

~~4. Decision Making by the Full Council~~

~~Subject to (3) below, the Council meeting will follow the Council Procedure and Access to Information Procedure Rules set out in this Constitution when considering any matter.~~

~~5. Decision Making by the Cabinet~~

~~Subject to (3) below, the Cabinet will follow the Cabinet Procedure and Access to Information Procedure Rules set out in this Constitution when taking any decision at a public meeting.~~

~~6. Decision Making by Scrutiny Committees~~

~~Scrutiny Committees will follow the Scrutiny and Access to Information Procedure Rules set out in this Constitution when considering any matter.~~

~~7. Decision Making by Council Committees and Sub-Committees~~

~~Subject to (8) below, Council Committees and Sub-Committees will follow these parts of the Council Procedures Rules set out in this Constitution as apply to them and the Access to Information Procedure Rules.~~

8.4. Decision Making by Council Bodies Acting as Tribunals

The Council, a Committee or Sub-Committee of the Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/ considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights.

9.5. Decision Making by Officers

~~Officers taking decisions within their delegated authority will do so in accordance with this Constitution's Scheme of Delegation and the appropriate Access to Information, Contract and Financial Procedure Rules.~~
The decisions by officers on executive matters will be recorded by the Council.

Agency, Partnership and Joint Arrangements

1. Arrangements to Promote Well Being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

2. Agency Arrangements

- (a) The Council may make arrangements with any other local authority whereby that other authority will exercise non-executive functions of the Council.
- (b) The Cabinet may make arrangements with any other local authority (or the executive of that authority if it is operating executive arrangements) whereby that other authority (or executive) will exercise executive functions of the Council.
- (c) No arrangements made under (a) or (b) above prevent the Council or, as the case may be, the Cabinet from exercising the functions which are the subject of the arrangements.
- (d) The arrangements currently existing are listed in Schedule 1.

3. Partnerships

- (a) The Council participates in a range of partnerships. In some cases, such as the Health and Wellbeing Board and the Safeguarding Children Board, these are a statutory requirement. Others are voluntary partnerships and all help to co-ordinate and join up organisational effort across the public sector and with other local bodies.
- (b) The Oxfordshire Partnership is the over-arching strategic partnership for the county. It brings together organisations from the public, private, voluntary and community sectors to focus their efforts on the issues of importance to those who live, work and visit Oxfordshire; and to discuss how we can work together to address the challenges we face. Its aims are set out in ***Oxfordshire 2030***.
- (c) The Oxfordshire Partnership meets on a bi-annual basis.

- (d) The Council participates in various Oxfordshire-wide partnerships which are critical in progressing key county-wide priorities across the themes of economic growth, health and wellbeing, thriving communities and support to the most vulnerable. Each of these Partnerships (included in Schedule 3 ~~to this Article~~) are required to report annually to Full Council. This report requires Partnerships to tell the Council:
- Their current focus
 - Key achievements in the last year
 - Aims for the year ahead
 - Key challenges
 - Outline of governance arrangements
- (e) The Partnership Report also includes information from a range of partnerships which do not have a formal requirement to report back to the Council, but on which the Council is represented. This includes in particular the Local Enterprise Partnership.

4. Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.
- (c) Except as set out below, only Cabinet Members may be appointed to a joint committee which is responsible for discharging executive functions, and those members need not reflect the political composition of the local authority as a whole.¹
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
- (i) Where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population, the Cabinet may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.
 - (ii) Where the joint committee is between the Council and a single district council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet of the County Council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

¹ Section 20 of the Local Government Act 2000

In both of these cases the political balance requirements do not apply to the appointments.

- (e) The joint committees currently existing are listed in Schedule 2.

~~5. Agreement between Cherwell District Council and Oxfordshire County Council~~

~~This arrangement is governed by a formal "S113 Agreement" agreed by both Councils and has set up a Partnership Working Group, Joint Committees and a process for managing potential conflicts of interest between staff of both authorities who may work on joint projects or services. The Agreement envisages a shared senior management team and the achievement of proposals for joint working.~~

6.5. Access to Information

- (a) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that which applies to the Executive.
- (b) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

7.6. Contracting Out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Schedule 1 – Agency Arrangements

	Partner Authority	Function
(a)	Cherwell District Council	(i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)
(b)	Oxford City Council	(i) Promotion and implementation of minor highway and traffic measures funded from developer contributions. (ii) Recovery and disposal of abandoned vehicles. (iii) Highway verge maintenance (grass cutting)
(c)	South Oxfordshire District Council	(i) Recovery and disposal of abandoned vehicles. (ii) Administration of specified on-street pay & display parking places, Wallingford. (iii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time.
(d)	Vale of White Horse District Council	(i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)
(e)	West Oxfordshire District Council	(i) Verge, tree and hedge maintenance. (ii) Adoption of private streets. (iii) Administration of Advance Payments Code. (iv) Recovery and disposal of abandoned vehicles. (v) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (vi) Highway verge maintenance (grass cutting)

(f)	All Town & Parish Councils (subject to specific agreement in each case)	(i) Removal of unauthorised signs from the highway. (ii) Promotion and implementation of individual highway and traffic measures as specifically agreed from time to time. (iii) Highway verge maintenance (grass cutting)
(g) (h) (i)	Abingdon Town Council Henley Town Council Thame Town Council	Administration of specified town centre on-street parking schemes.

Schedule 2 – Joint Committees

Part 1 – Relating to Non-Executive Functions

Partner Authority(ies)

None

Committee

None

Part 2 – Relating to Executive Functions

Partner Authority(ies)	Committee
<p>The authorities within the Oxfordshire Local Enterprise Partnership (LEP) i.e. Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council</p> <p>Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Surrey and West Sussex Fire Authorities</p>	<p>Oxfordshire Growth Board</p> <p>Future Oxfordshire Partnership</p>
<p>Other traffic authorities outside London operating Special and Permitted Parking Areas²</p>	<p>National Parking Adjudication Service Joint Committee</p>

²As defined in Schedule 3 to the Road Traffic Act 1991

Part 3 – Relating to Scrutiny Functions

Partner Authority(ies)	Committee
<p>Oxfordshire County Council and the 5 district councils in the County³</p>	<p>Oxfordshire Joint Health Overview & Scrutiny Committee</p>

³Statutory Committee set up under Section 8(2)(a) of the Health & Social Care Act 2001

Schedule 3 – Partnerships

In addition to its involvement in agency and joint arrangements, the Council participates in the Oxfordshire Partnership, the over-arching strategic partnership for the County.

In practice, the Council engages in various partnerships including:

- Oxfordshire Environment and Waste Partnership
- Oxfordshire Safer Communities Partnership
- Oxfordshire Stronger Communities Alliance
- Oxfordshire Safeguarding Children Board
- Oxfordshire Safeguarding Adults Board

Schedule 4

~~Cherwell District Council and Oxfordshire County Council have entered into a Section 113 agreement and the following bodies and terms of reference have been established:~~

- ~~• Partnership Working Group (Annex 1)~~
- ~~• Joint Shared Service and Personnel Committee (Annex 2)~~
- ~~• Joint Appeals Committee (Annex 3)~~

PARTNERSHIP WORKING GROUP

CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL

This Partnership Working Group is joint working group of Cherwell District Council and Oxfordshire County Council. It is established as an informal working group with the express intention of exploring the creation of a shared management team and possible areas of shared services, and for preparing recommendations to both authorities for achieving effective joint arrangements.

TERMS OF REFERENCE

MEMBERSHIP

- 5 elected members from each council as appointed by the Leaders
- 5 substitute members to be appointed for each council

OBJECTIVES

Overview:

To consider joint arrangement proposals and performance and to make recommendations to the Joint Shared Service and Personnel Committee or separate councils for decision as required.

In detail:

To oversee the development, on a service by service basis, of a detailed business case for the creation of joint arrangements. This is likely to include recommendations as to:

- Delivering an effective and lean joint management structure
- Identifying areas to develop joint working in line with the principles agreed by both councils including opportunities for development of aligned policy and procedures where appropriate
- Scoping the financial baselines and the capacity to improve (or maintain) the financial position of both councils
- Identifying other key benefits and associated success criteria for shared arrangements
- Establishing shared support services, serving the needs of both councils to the standards agreed by each
- Maximising the opportunities for joint initiatives and joint working with partners in ways that better meet the needs of residents
- Determining and recommending a mechanism/formula for the allocation of associated costs and efficiencies across both organisations, including a ratio for the apportionment of costs, one-off costs including redundancy and associated pension costs, arising from the creation of the Shared Senior Management Team and Shared Services
- Detailing the risks to both Councils and recommending mitigating actions to both authorities

- ~~Establishing protocols to deal with Communications and those specified in the Inter Authority Section 113 Agreement~~

~~The Partnership Working Group will produce recommendations to the Joint Shared Service and Personnel Committee, Executive, Cabinet and Full Councils of both authorities, as appropriate.~~

REMEDIES UNDER THE SECTION 113 AGREEMENT

~~The Working Group shall have the role, as agreed under the Section 113 Agreement (Clauses 7.3, 7.5 and 10.1) in terms of seeking to achieve a remedy where, under one council wishes to withdraw from the Agreement and the informal Dispute under Clause 10 of the Agreement has not been successful.~~

QUORUM

~~The Working Group's meetings will be considered quorate if three elected members from each council are present.~~

NUMBER AND FREQUENCY OF MEETINGS

~~The Working Group will meet on at least four occasions a year.~~

~~The Working Group will convene at a time convenient to a majority of its Members.~~

~~The meetings will alternate between Banbury and Oxford. Officers will facilitate a standard agenda for the meetings and maintain a record of decisions and actions, together with a risks and issues log.~~

TIMETABLE

~~At its first meeting, the Working Group will agree a workplan (officers to provide a draft workplan in advance) and timescale. Notwithstanding this, it is expected that:~~

- ~~Draft recommendations will be sent to the controlling and opposition groups of both authorities~~
- ~~Final recommendations will be sent to the Joint Shared Service and Personnel Committee or each authority's Executive and Council as required~~

~~In any event, the Group will report to both Councils on its findings and recommendations in relation to the establishment of a Shared Management Team no later than six months after the signing date of the relevant Section 113 agreement.~~

STATUS OF THE WORKING GROUP

~~The Working Group is an informal working group of both authorities. As such, its meetings will not be subject to the constitutional provisions relating to access to proportionality or the information procedure rules of either authority. Its final recommendations, and the rationale for them, will of course be made public.~~

~~JOINT SHARED SERVICE AND PERSONNEL COMMITTEE~~

~~CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL~~

~~Under Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision making processes, there are a few functions which are best delivered through joint arrangements.~~

~~**Area:** the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.~~

~~**Membership:** the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority. All Councillors including substitutes will receive appropriate training before they can participate as a Committee member.~~

~~**Quorum:** will be 3 Members from each authority (i.e. a total of 6).~~

~~**Chair:** the Chair and Vice Chair will be elected by the committee and will be representative of each authority.~~

~~**Decision making:** decision will be by a majority of Members of the committee present and voting.~~

~~Terms of Reference~~

- ~~• To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils~~
- ~~• To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils~~
- ~~• To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.~~
- ~~• To take all executive decisions with regard to any established and future shared service to include regular budget and performance data for any shared service.~~

Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint shared chief officers (Officers who report to the Chief Executive) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.

Shared Statutory Officer Discipline

The role and responsibilities of the Joint Personnel Committee with regard to shared Statutory Officer disciplinary action is to:

- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up to date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.
- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

~~JOINT APPEALS COMMITTEE~~

~~CHERWELL DISTRICT COUNCIL and OXFORDSHIRE COUNTY COUNCIL~~

~~**Area:** The Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.~~

~~**Membership:** The Committee shall be comprised of 6 councillors, 3 from Cherwell District Council and 3 from Oxfordshire County Council with 3 named substitutes from each authority. They may not be members of the Joint Personnel Committee. All councillors including substitutes will receive appropriate training before they can participate as a Committee member.~~

~~**Quorum:** will be 2 Members from each authority (i.e. a total of 4).~~

~~**Chair:** The Chair and Vice Chair will be elected by the Committee and will be representative of each authority.~~

~~**Decision making:** decision will be by a majority of Members of the Committee present and voting.~~

~~Terms of Reference~~

- ~~• To hear and determine any appeals, or grievance appeals, made against the Head of Paid Service/Chief Executive by any shared Chief Officer or Deputy Chief Officer either Council.~~
- ~~• To hear and determine any appeals brought by the Chief Executive and (if shared) the Monitoring Officer and section 151 Officer against any disciplinary sanctions imposed short of dismissal.~~
- ~~• To hear and determine any appeals against any disciplinary sanctions imposed on a Chief Officer who is shared between Cherwell District Council and Oxfordshire County Council excluding the statutory officers referred to above.~~

The Cabinet

1. Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution by decision of the Council (where there is a choice).

2. Form and Composition

The Cabinet will consist of the Leader of the Council together with at least 2, but no more than 9 other Councillors appointed to the Cabinet by the Leader.

3. Leader

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. The Leader will hold office for the remaining term of the Council unless:

- (a) ~~s/he~~they resigns from the office; or
- (b) ~~s/he is~~they are no longer a councillor; or
- (c) ~~s/he is~~they are removed from office by resolution of the Council.

In the event that the circumstances in (a) to (d) 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 (d) 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 (d).

4. Other Cabinet Members

Other Cabinet Members 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:

- (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.

5. Proceedings of the Cabinet

Proceedings of the Cabinet will comply with the Cabinet Procedure Rules set out at Part 4.2 of the Constitution.

6. Responsibility for Functions

The Leader of the Council and other Councillors appointed to the Cabinet will be responsible for the discharge of executive functions, except where arrangements have been made with other local authorities for the exercise by or jointly with them of such functions or any such functions have been wholly or partly delegated to officers of the Council. The Leader of the Council will determine from time to time which functions and activities will be the responsibility of each Cabinet Member. The functions and activities currently allocated to the respective Cabinet Members are set out in the following table.

	Cabinet Member	Function
(a)	Leader of the Council	
(b)	Deputy Leader of the Council and Cabinet Member for Children, Education and Young People's Services	Children social care; education; 0-5 offer; youth offer
(c)	Cabinet Member for Corporate Services	Governance and legal; HR and industrial relations; Cherwell partnership agreement; broadband/ICT; customer services; communications
(d)	Cabinet Member for Community Services and Safety	Cultural services: registration service, library service, coroner's service, music service, museum service, history service; fire and rescue service; trading standards; emergency planning; community safety; gypsies and travellers
(e)	Cabinet Member for Climate Change Delivery and Environment	Climate change; waste disposal and recycling centres; countryside operations and volunteers; ecology/archaeology/heritage; waster strategy – TW reservoir; energy strategy; minerals and waste planning; lead flood authority – Oxford flood Alleviation Plan; tree strategy; highways verge management strategy

(f)	Cabinet Member for Highway Management	Highways delivery operations – structures and maintenance; network management; public rights of way; supported transport; Fix My Street; walking and cycling maintenance; LCWIPs/LTNs; street lighting; travel hubs; public transport – bus strategy/universal payment/maps; cycle parking; school streets; 20 is Plenty implementation; enforcement; car parking strategy
(g)	Cabinet Member for Travel and Development Strategy	Government bids for funding initiatives; infrastructure strategy (OXIS); digital connectivity broadband; regional and strategic infrastructure – capital delivery of major projects; rail – Cowley/Grove/Worcester Line/Witney; connecting Oxford; ZEZs/AQMAs/live digital air quality display; travel hubs; working place levy/congestion charge; waterways; tourism/economic development; HGV weight routes
(h)	Cabinet Member for Finance	Finance; Property; Investment & Procurement
(i)	Cabinet Member for Adult Social Care	Adult social care; carers services; support to: people with learning disabilities, physical disabilities services, people living with impact of a brain injury, people living with a long-term condition, older people services, safeguarding adult services, homelessness, hospital discharge; mental health; health partnerships
(j)	Cabinet Member for Public Health and Equality	Public health; COVID renewal; voluntary sector; equalities

7. The Responsibilities of the Leader of the Council and Cabinet Members

- (a) The Leader of the Council and each individual Cabinet Member will:-
- (i) be the lead member within the Cabinet for the functions allocated above and will be responsible to the Cabinet and to the Council for the effective discharge of those functions;
 - (ii) be the first point of contact within the Cabinet for members, officers and other persons or organisations with respect to those functions;

- (iii) represent the Cabinet and the Council at meetings or other events with external partners and other organisations connected with the discharge of any of those functions;
 - (iv) be the public face of the Cabinet and speak for the Cabinet and the Council on those functions.
- (b) In the absence of the Cabinet Member, or if ~~s/he is~~ they are unable to discharge ~~her/his~~ their responsibilities for any reason, then the Leader of the Council will either carry out those responsibilities or allocate them to another Cabinet Member. In the absence of the Leader of the Council, the Deputy Leader will act.

8. Power to Make Cabinet Decisions

The Leader of the Council and other Councillors appointed to the Cabinet will be responsible collectively for the discharge of executive functions. The Cabinet may arrange for the discharge of any of its functions:

- (i) by an individual member of the Cabinet;
- (ii) by a committee of the Cabinet;
- (iii) by an officer of the Council;
- (iv) through joint arrangements with one or more other local authorities;
- (v) by another local authority.

9. Cabinet Committees

The functions which any such Cabinet committee is for the time being appointed to discharge, its membership, and the rules under which it is to operate, are set out at Part 4.3 of the Constitution.

10. Delegated Decisions by Individual Cabinet Members

The functions which individual members of the Cabinet are for the time being authorised to discharge, and the rules under which they are to operate, are set out at Part 4.4 of the Constitution.

11. Cabinet Advisory Groups

The functions of Cabinet Advisory Groups, and the rules under which they are to operate, are set out at Part 4.5 of the Constitution.

12. Transport Advisory Groups

The functions of the Transport Advisory Panel, and the rules under which they are to operate, are set out at Part 4.6 of the Constitution.

Current Membership membership of Cabinet and Shadow Cabinet

LEADER OF THE COUNCIL : Liz Leffman
DEPUTY LEADER OF THE COUNCIL : Liz Brighouse OBE

The Cabinet (8)

In addition to the Leader and Deputy Leader of the Council, 8 Cabinet Members as follows:-

Children, Education & Young People's Services : Liz Brighouse OBE
Corporate Services : Glynis Phillips
Community Services : Neil Fawcett
Climate Change Delivery & Environment : Dr Pete Sudbury
Highway Management : Tim Bearder
Travel & Development Strategy : Duncan Enright
Finance : Calum Miller
Adult Social Care : Jenny Hannaby
Public Health & Equality : Mark Lygo

The Opposition

LEADER OF THE OPPOSITION : Eddie Reeves

DEPUTY LEADER OF THE OPPOSITION : Jane Murphy

The Shadow Cabinet (9)

The following members currently comprise the Shadow Cabinet appointed by the Opposition for the purposes of paragraph 3 of the Protocol on Members' Rights and Responsibilities (Part 9.3 of the Constitution)

Cabinet Member Portfolio

Children, Education & Young People's Services	:	Felix Bloomfield
Corporate Services	:	Donna Ford
Community Services	:	Keiron Mallon
Climate Change Delivery & Environment	:	Ted Fenton
Highway Management	:	Liam Walker
Travel & Development Strategy	:	Kevin Bulmer
Finance	:	David Bartholomew
Adult Social Care	:	Jane Murphy
Public Health & Equality	:	Nick Leverton

Regulatory and Other Committees

1. Regulatory and Other Committees

The Council will appoint the committees set out in the table below and those committees will appoint sub-committees, as also set out in the table, to discharge, in accordance with the policy and budget approved by the Council, the functions which under Regulation 2 and Schedule 1 of the relevant Functions Regulations¹ may not be discharged by the Cabinet, together with those functions under Regulation 3 and Schedule 2 of the Functions Regulations which the Council has determined should not be discharged by the Cabinet. (References in the table to functions are to be interpreted as references to those functions so far as exercisable by a county council).

Committee	Functions
(a) Audit & Governance Committee	<p>(1) The functions relating to elections specified in Section D of Schedule 1 to the Functions Regulations.</p> <p>(2) The functions in relation to the designation of particular officers for certain purposes specified in Paragraphs 39, 40, 43 and 44 in Section I of Schedule 1 to the Functions Regulations.</p> <p>(3) The functions in relation to the approval of the statement of accounts etc specified in Paragraph 45 in Section I of Schedule 1 to the Functions Regulations including the Annual Governance Statement (including Statement on Internal Control).</p> <p>(4) To monitor the risk, control and governance arrangements within the Council, together with the adequacy of those arrangements and those of others managing Council resources:</p> <ul style="list-style-type: none"> - to ensure compliance with relevant legislation, guidance, standards, codes and best practice, whether external or internal; - to provide assurance on the effectiveness of those arrangements both generally and for the purposes of the Annual Governance Statement, including arrangements for reporting significant risks; and

¹ The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended

- to ensure coordination between internal and external audit plans to maximise the use of resources available as part of a total controls assurance framework;

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (5) To consider and comment on the Council's External Auditor's annual work plan, the annual audit letter and any reports issued by the Audit Commission or the Council's External Auditor. Where issues affect the discharge of executive functions, to make recommendations as appropriate to the Cabinet, and where any issues affect the discharge of non-executive functions, to make recommendations to the appropriate Council Committee.

- (6) To systematically monitor:

- the performance and effectiveness of Internal Audit Services processes within the Council, including undertaking an annual review using key performance indicators e.g. client satisfaction, percentage of plan completed, percentage of non-chargeable time;
- the strategic Internal Audit Services Plan and annual work plan, advising on any changes required to ensure that statutory duties are fulfilled;
- resourcing for the service, making recommendations to the Cabinet and Council on the budget for the service;
- arrangements for the prevention and detection of fraud and corruption; and
- the system for Treasury Management

and to draw to the attention of the appropriate scrutiny committee any issues which in the Committee's view would benefit from a scrutiny review or further investigation.

- (7) To promote high standards of conduct by councillors and co-opted members.
- (8) To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the code of conduct for members.
- (9) To receive report from member-officer standards panels appointed to investigate allegations of misconduct under the members' code of conduct.
- (10) To advise the Council as to the adoption or revision of the members' code of conduct.
- (11) To implement the foregoing in accordance with a programme of work agreed by the Committee annually in advance, and to report to the Council on the Committee's performance in respect of that programme.
- (12) The Committee will appoint an Appeals & Tribunals Sub-Committee which will have the following responsibilities and membership:

Responsibilities:

- (i) The determination of appeals against decisions made by or on behalf of the authority as specified in Paragraph 2 of Schedule 2 to the Functions Regulations.
- (ii) To hear and determine appeals in cases where the relevant procedure rules require this function to be performed by a formally constituted committee or sub-committee.
- (iii) To hear and determine appeals in other cases under the relevant procedure rules.

Membership:

The Appeals & Tribunal Sub-Committee will meet as needed and its membership will be:

- (i) A member of the Audit & Governance Committee (or substitute)
- (ii) Two other ~~councillors~~ ~~members of the Council~~ (one being a Cabinet member in the case of Fire Discipline issues)

- (iii) Where the Panel meets to consider home to school transport appeals, the membership of the Panel in that case will consist of one councillor, one officer and one independent person who is not to be a councillor.

(b) Pension Fund Committee

- (1) The functions relating to local government pensions including those specified in Paragraph 1 in Section H of Schedule 1 to the Functions Regulations, together with functions under Section 21 of the Oxfordshire Act 1985 (division of county superannuation fund). Except for the determination, as the Employing Authority, of the benefits for individual applications for early retirement.
- (2) The functions under the Fireman's Pension Scheme including those specified in Paragraph 2 in Section H of Schedule 1 to the Functions Regulations.

(c) Planning & Regulation Committee

- (1) The County Council's functions as local planning authority relating to:
- development control for minerals and waste planning applications;
 - planning applications by the County Council;
 - enforcement against breaches of planning control;
- and otherwise relating to town & country planning as specified in Section A of Schedule 1 to the Functions Regulations, Paragraph 47 in Section I of that Schedule, and Paragraph 16 of Schedule 2 to the Functions Regulations.

(2) Licensing and registration functions relating to:

- food safety;
- animal welfare and movement of animals;
- fire safety and safety of sports grounds;
- employment of children;
- nurses agencies;
- premises for the solemnisation of marriages;
- registration of commons and village greens;
- highways and street works licences and consents;

and otherwise as specified in Section B of Schedule 1 to the Functions Regulations.

(3) The making of agreements for the execution of highways works including those specified in Paragraph 18 of Schedule 2 to the Functions Regulations and agreements with developers under Section 4 of the Oxfordshire Act 1985.

(4) Licensing and consent functions relating to highways and street works including those specified in Sections 9, 11 and 12 of the Oxfordshire Act 1985

(5) The health and safety at work functions (other than in the council's capacity as employer) including those specified in Section C of Schedule 1 to the Functions Regulations.

(6) Public rights of way functions relating to:

- creation, diversion and stopping up of footpaths and bridleways;
- protection from interference and damage;
- review and modification of the Definitive Map;
- access agreements;

and otherwise as specified in Part I in Section I of Schedule 1 to the Functions Regulations

2. Discharge of Functions

- (a) Where a committee is specified in the table, the function may alternatively be discharged by the Council. Any function of a kind described in the introduction to paragraph 1 (“non-executive functions”) which is not allocated in the table to a committee is to be discharged by the Council.
- (b) The Council may arrange with one or more other local authorities for the exercise by or jointly with them of any non-executive functions which may lawfully be the subject of such arrangements.
- (c) The Council in the case of any non-executive function, or a committee or sub-committee in the case of a function allocated in the table, may delegate such function to an officer of the Council for the discharge of any of its functions.

3. Frequency of Meetings

The Committees will ordinarily meet with the following frequencies:

- (a) Audit & Governance Committee 6 times a year
- (b) Pension Fund Committee 4 times a year
- (c) Planning & Regulation Committee 8 times a year

Additional meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

Membership of Committees and Sub-Committees

Audit & Governance Committee (9)

	Liberal Democrat Green Alliance (4)		Conservative Independent Alliance (3)		Labour & Co- operative Party Group (2)		Independent (0)
ch	Smith		Ford	dc	Baines		
	Levy		Leverton		O'Connor		
	Roberts		Reeves				
	Middleton						

Non-Voting Co-opted Members (3)

Representative of the Business Community:

Dr Geoff Jones, PO Box 636, Oxford OX1 9AZ

Independent Members (Complaints handling) (2)

Dr Sadie Reynolds c/o County Hall, New Road, Oxford OX1 1ND

1 vacancy

Appeals & Tribunals Sub-Committee* (3)

Three Councillors one of whom must be a Member of the Audit & Governance Committee
(*when hearing home to school transport appeals, the Sub-Committee consists of an elected member, an officer and an independent person)

Appointment Sub-Committee (Variable) (6)

Six Councillors at least one of whom must be a member of the Cabinet

Fire Service Discipline Sub-Committee (3)

Three Councillors at least one of whom must be a member of the Cabinet

ch - Chair
dc - Deputy Chair
sp - Opposition Group Spokesperson

Pension Fund Committee (5)

	Liberal Democrat Green Alliance (2)		Conservative Independent Alliance (2)		Labour & Co-operative Party Group (1)		Independent (0)
Ch	Johnston		Field-Johnson		Edosomwan		
	Webber	dc	Bulmer				

Non-Voting Representatives (5)

Shelley Cook – Academy Sector
Alistair Fitt - Oxford Brookes University
Steve Moran - Scheme Member
District Councillor Jo Robb - District Council
Alan Staniforth - Academy Sector

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

Planning & Regulation Committee (12)

	Liberal Democrat Green Alliance (4)		Conservative Independent Alliance (4)		Labour & Co-operative Party Group (3)		Independent (1)
	Bennett		Bloomfield		Edosomwan		Gawrysiak
	Roberts		Constance		Fadlalla		
	Rouane		Sibley	ch	Saul		
dc	Webber		Snowdon				

Health & Wellbeing Board

1. Health & Wellbeing Board

The Council must establish a Health & Wellbeing Board¹. The Board will be the principal structure in Oxfordshire with responsibility for promoting the health and wellbeing of the people of the county.

2. Role and Function

The Health & Wellbeing Board will have the following responsibilities, to be amplified within its own terms of reference:

The Board will:

- (1) Prepare a Joint Strategic Needs Assessment² to help determine the priorities and objectives for health and social care services across Oxfordshire
- (2) Prepare a Joint Health & Wellbeing Strategy³ for the whole population of Oxfordshire to drive the development and delivery of services to meet agreed priorities;
- (3) Oversee the joint commissioning arrangements for health & social care across the county
- (4) Maintain oversight of the commissioning intentions of both the Oxfordshire Clinical Commissioning Group and the Council;
- (5) Generally exercise the functions of the Council and its partner clinical commissioning groups under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- (6) Exercise any other functions of the Council which may be delegated to the Board (other than the functions of the authority by virtue of section 244 of the National Health Service Act 2006);
- (7) Encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.

¹ The Board is a committee of the Council by virtue of the Health & Social Care Act 2012 and the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013

^{2 3} In accordance with sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007

- (8) Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- (9) Establish and monitor Partnership Boards as required to help deliver required service change and improved outcomes.

Additionally, the Board may:

- (10) Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health & Wellbeing Board.
- (11) Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
- (12) Give the Council its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act.

3. Membership

The rules on political proportionality do not apply to the Health & Wellbeing Board nor to any sub-committees set up by it. The membership⁴ of the Health & Wellbeing Board will be:

- (1) County councillors as nominated to the Council by the Leader of the Council;
- (2) The Leader of Oxfordshire County Council, instead of or in addition to (1), as the Leader may determine;
- (3) Director for Adult Services, Oxfordshire County Council and Director of Strategy & Transformation Oxfordshire Clinical Commissioning Group;
- (4) The Director for Children's Services;
- (5) The Director for Public Health;
- (6) One representative from the Local Healthwatch organisation for the county;
- (7) One representative from Oxfordshire clinical commissioning group.
- (8) A representative of the Thames Valley NHS Commissioning Group;

⁴ The membership is to be interpreted as the membership specified by Section 194 of the Health and Social Care Act 2012.

- (9) Such other persons, or representatives of such other persons, as the local authority thinks appropriate with the proviso that once the Board is established, the Board will be consulted before such appointments are made;
- (10) Such additional persons as the Health & Wellbeing Board may determine.

In addition, the Head of Paid Service of Oxfordshire County Council and the senior officer of the Oxfordshire Clinical Commissioning Group may also be in attendance.

4. Chairing of Meetings

Meetings of the Board will be chaired by the Leader of the County Council and the Vice-Chair will be the Clinical Chair of the Oxfordshire Clinical Commissioning Group as notified to the Monitoring Officer. In the absence of either of these persons, the Board will elect a chair for the duration of the meeting unless or until the Chair or Vice-Chair arrive, in which case the Chair or Vice-Chair will preside as appropriate.

5. Voting Rights

All members of the Board or of any sub-committee (or of any joint sub-committee of two or more such boards) shall be treated as voting members of the Board or sub-committee, unless the Council decides otherwise in any particular circumstance. In which case, before making such a direction, the Council must consult the Board. Notwithstanding this, service provider members of the Board will not have voting rights on the grounds of potential conflicts of interest.

Decisions will be taken by the majority of those present and voting and the Chair of the Board (or sub-committee) will have a second or casting vote.

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

6. Validity of Proceedings

The Health & Wellbeing Board (and any sub-committees) will operate according to this Constitution and also according to the Terms of Reference for the Board itself.

A meeting of the Health & Wellbeing Board shall not be quorate unless at least a quarter of the voting members are present for the duration of the meeting.

As a committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

7. Cabinet and Scrutiny

The Cabinet may delegate functions to the Health & Wellbeing Boards and may receive recommendations from the Board.

The Health & Wellbeing Board is subject to scrutiny (but not to call-in except in respect of any functions delegated by the Cabinet) by the Council's Joint Health Overview & Scrutiny Committee and, as appropriate, the Council's relevant Overview and Scrutiny Committees.

The Board may also ask a Scrutiny Committee or, with the relevant Portfolio Holder's permission, a Cabinet Advisory Group, to investigate issues relevant to both the Board and the committee or group.

The Board will make an annual report on its work to both the Council, to Cabinet and to the Joint Health Overview & Scrutiny Committee.

8. Code of Conduct

All voting members of the Board (and its sub-committees) are subject to the County Council's Members' Code of Conduct. This includes the requirement to register Disclosable Pecuniary Interests and to declare them, as appropriate at meetings. Should a member have a Disclosable Pecuniary Interest in a matter before the Board (or sub-committee), then the member (unless a dispensation has been received) should declare it and withdraw from the meeting, taking no part in the discussion or voting upon that item.

9. Substitution

Members of the Board may arrange for a named substitute to attend on their behalf. However, any substitutes should reflect the seniority and status of the member making the substitution.

Decisions should not be taken other than by the properly constituted Board; this means that at least a quarter of the original voting membership of the Board should be present when decisions are made.

10. Transparency and Openness

The Health & Wellbeing Board will meet in public at least three times a year. The Board may meet informally, and not in public, at other times e.g. for purposes of brainstorming, board learning & development and workshops.

The public's rights of access to the Board's public meetings will be subject to the Access to Information Procedure Rules (Part 8.1 of the Council's Constitution). These make provisions for the giving of public notice of meetings, access to agendas, reports and minutes, the supply of copies of

such papers, the inspection and purchase of background papers and the circumstances in which the public may be excluded from meetings by virtue of the consideration of confidential or exempt information.

In addition, the Freedom of Information Act 2000 gives a general right of access to information held by public authorities and will extend to information generated by, or for, the Board and held by any public authority.

11. Sub-Committees and Informal Working Groups

In establishing Partnership Boards and a Public Involvement Board, the Health & Wellbeing Board will be mindful of its powers to appoint one or more sub-committees to discharge of any of its functions, with certain conditions. The Board may also appoint advisory groups, working groups or informal 'task and finish groups' to make recommendations to it on any of its functions.

Annex 1 sets out the provisions relating to the appointment of sub-committees and informal working groups and therefore to the appointment of any Partnership Boards and a Public Improvement Board.

1. —

12. Appointment of Sub-Committees

The Health & Wellbeing Board may appoint sub-committees. The Board may appoint one or more sub-committees to discharge of any of its functions, with the following conditions:

- (1) Where any functions may be discharged by the Board under 3(2) above, by virtue of section 196(2) of the Health & Social Care Act 2012, (i.e. functions that are exercisable by the authority), then unless the Council otherwise directs, the Board may arrange for the discharge of those functions by a sub-committee of the Board, or an officer, or both.
- (2) Where the Board discharges functions by virtue of any other enactment that section 196(2) of the 2012 Act, then unless the Council directs otherwise, the Board may arrange for the functions to be discharged by a sub-committee of the Board.

In addition, the Board may appoint one or more sub-committees to advise the Board with respect to any matter relating to the discharge of the Board's functions.

The membership of any sub-committees will be for the Board to determine. The sub-committees will operate according to this Constitution and also according to their Terms of Reference as established by the Board.

A meeting of the any sub-committee shall not be quorate unless at least a quarter of its voting members are present for the duration of the meeting.

As a sub-committee of the Council, the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

213. Appointment of Advisory and Informal Working Groups

The Board may appoint one or more advisory groups, working groups or other such informal task and finish groups, to assist it with any of its functions. Such groups may make recommendations to the Board (or to the Cabinet or a Scrutiny Committee as appropriate) but no formal powers or duties of the Board may be delegated to them. The membership of such advisor or working groups will be for the Board to determine.

Oxfordshire Health & Wellbeing Board (14)

Comprising: Leader of the County Council – Chair
Clinical Chair of Oxfordshire Clinical Commissioning Group – Vice-Chair
2 District/City Council representatives
Cabinet Members of the County Council with responsibility for Adult Social Care, Children & Family Services and Public Health
Accountable Officer Oxfordshire Clinical Commissioning Group
Chief Executive Oxford University Hospitals NHS Foundation Trust
Chief Executive Health NHS Foundation Trust
Chief Executive Oxfordshire County Council
A Healthwatch representative
The Director of Children's Services
The Director of Adult Social Care
The Director of Public Health
An NHS England representative
1 Clinical General Practitioner provider representative from Oxfordshire's General Practice Federation

* * * * *

The Remuneration Committee

1. Remuneration Committee

The Council will establish a Remuneration Committee.

2. Composition

The Remuneration Committee will comprise six county councillors and membership will be in accordance with the rules on political proportionality.

3. Role and function

- (1) To make recommendations to Council on the content of an annual pay policy statement for each forthcoming year;
- (2) In reviewing and developing recommendations on the annual pay policy statement, to take into account:
 - appropriate independent advice; and
 - the comments of Oxfordshire County Councillors.
- (3) To undertake the functions in relation to the appointment etc. of staff specified in Paragraph 37 in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations (England) 2000, including:
 - the appointment of all Strategic Directors, the Director of Adult Services, the Director of Children's Services and the Director of Finance;
 - making recommendations to Council as to the appointment of the Head of the Paid Service;
 - agreeing changes to the salaries and remuneration of statutory and non-statutory Chief Officers provided such changes are in accordance with the Council's pay policy statement as required by Section 41 of the Localism Act 2011.
- (4) In the case of any office or body which has not been identified by the Cabinet and endorsed by the Council as strategic, the functions relating to appointment of individuals to offices or bodies as specified in Paragraph 19 of Schedule 2 to the Functions Regulations.
- (5) In the case of matters for which the Cabinet is not responsible, the making of agreements with other local authorities for the placing of staff at the disposal of those other authorities as specified in Paragraph 20 of Schedule 2 to the Functions Regulations.

- (6) In addition to the recommendation of an annual pay policy statement, to make an annual report to Council on the work of the Committee.

4. Validity of proceedings

A meeting of the Remuneration Committee shall not be quorate unless at least three members are present for the duration of the meeting.

The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by Council.

5. Pension Benefits Sub-Committee

- (1) The Remuneration Committee will appoint a Pension Benefits Sub-Committee which will have the following functions:
- (i) This Sub-Committee will determine early retirement cases only where the Council has discretion e.g. ill health retirement.
 - (ii) The functions relating to Local Government Pensions for which the Pension Fund Committee is not responsible.
- (2) The Pension Benefit Sub-Committee will meet as needed and its membership will be:
- (i) A member of the Remuneration Committee (or substitute)
 - (ii) Two other members of the Council.

6. Early Retirement

- (1) The Remuneration Committee delegates consideration and approval of all other early retirement cases (save those delegated to Pension Benefits Sub-Committee) to Council Directors with concurrence from the Director of Human Resources.
- (2) The Remuneration Committee wishes to receive a report each quarter on all redundancies and early retirements including associated costs.

Current Membership of the Remuneration Committee (6)

	Liberal Democrat Green Alliance (2)		Conservative Independent Alliance (2)		Labour & Co- operative Party Group (2)		Independent (0)
ch	Leffman		Reeves	dc	Brighouse		
	Rooke		Murphy		Phillips		

Pension Benefits Sub-Committee (3)

Three Councillors at least one of whom must be a member of the Remuneration Committee

ch - Chair
dc - Deputy Chair
sp - Opposition Group Spokesperson

South East Fire and Rescue Services Regional Management Board (1)

Parking and Traffic Regulations Outside London Adjudication Committee (1)

Thames Valley Police & Crime Panel (1)

	Liberal Democrat Green Alliance (1)		Conservative Independent Alliance (0)		Labour & Co- operative Party Group (0)		Independent (0)
	Webber						

~~Oxfordshire Growth Board~~ (OGB) Scrutiny Panel (6)

Future Oxfordshire Partnership

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (1)		Labour & Co- operative Party Group (1)		Independent (1)

OGB JSSP Sub Group (1):

OGB Infrastructure Sub-Group (1):

OGB Housing Sub-Group (1):

Joint Shared Services & Personnel Sub-Committee (10)

	Liberal Democrat Green Alliance (2)		Conservative Independent Alliance (2)		Labour & Co- operative Party Group (1)		Independent (0)
	Leffman		Ford		Brighthouse		
	Gant		Reeves				

Cherwell District Council Members (5):

ch Councillor Ian Corkin
Councillor Mike Kerford-Byrnes
Councillor Ian Middleton
Councillor Barry Richards
Councillor Barry Wood

County Council Representatives on Staff Consultative Bodies

Oxfordshire County Council Joint Consultative Committee for Uniformed Members of the Fire Service (7)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (2)		Labour & Co- operative Party Group (2)		Independent (0)
	Fawcett		Leverton		Coles		
	Ley		Mallon		Lygo		
	Thomas						

Oxfordshire County Council & Teachers' Joint Committee (5)

	Liberal Democrat Green Alliance (2)		Conservative Independent Alliance (2)		Labour & Co- operative Party Group (1)		Independent (0)
	Graham		Corkin		Brighthouse		
	Gregory		Waine				

Oxfordshire County Council & Employees Joint Consultative Committee (7)

	Liberal Democrat Green Alliance (2)		Conservative Independent Alliance (3)		Labour & Co- operative Party Group (2)		Independent (0)
	Middleton		Bartholomew		Paule		
	Rooke		Ford		Phillips		
			Reeves				

* - Group Spokesperson

Overview and Scrutiny Committees

1. Terms of Reference

The Council will appoint three Overview & Scrutiny committees as set out below.

The Council's Overview & Scrutiny Committees will each meet at least 4 times a year and will have the membership indicated below. The chair of the meetings will be chosen from the Opposition Group.

2. General Role

Within their specific terms, each Overview & Scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (v) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (vi) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vii) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (viii) report annually to Full Council on their work and make recommendations for future work programmes as appropriate;

3. Performance & Corporate Services Overview & Scrutiny Committee

The Performance & Corporate Services Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

- (i) To review and scrutinise the performance of the Council and to provide a focused review of:

- (a) Corporate performance and directorate performance and financial reporting
 - (b) Budget scrutiny
- (ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;
- (iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;
- (iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.

4. People Overview & Scrutiny Committee

The People Overview & Scrutiny Committee will have a membership of 9 county councillors. plus 4 co-opted members. The county councillor membership will be politically proportional.

In addition to the county councillors the People Overview & Scrutiny Committee shall include in its membership the following voting representatives:

- (a) one Church of England representative appointed by the Oxford Diocesan Board of Education;
- (b) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;
- (c) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.

These co-opted members are only able to exercise their vote when the Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.

The terms of reference of the Committee will be:

- (i) To focus on the following key areas:

- (a) all services and preventative activities/initiatives relating to children, young people, education, families and older people;
- (b) enables the council to scrutinise its statutory functions relating to children, adult social care and safeguarding. Includes public health matters where they are not covered by the Joint Health Overview and Scrutiny Committee;
- (c) This committee will also consider matters relating to care leavers and the transition between children's and adult services.

5. Place Overview & Scrutiny Committee

The Place Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

Climate change, transport, highways, planning and place-based services. Including the delivery of regulatory services, fire and rescue, community safety and community services such as libraries. NB This Committee will act as the Council's 'Crime and Disorder' Committee.

Membership of Scrutiny Committees

People Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (4)		Labour & Co- operative Party Group (2)		Independent (0)
	Graham		Ash		Banfield		
dc	Gregory	ch	Corkin		Edosomwan		
	Thomas		Simpson				
			Waine				

Voting Co-optees (4)

Representing the Church of England: Vacancy

Representing the Roman Catholic Church: Vacancy

Parent Governor Representatives:

Primary: Vacancy

Secondary and Special: Vacancy

Performance & Corporate Services Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (3)		Labour & Co- operative Party Group (3)		Independent (0)
	Gant		Corkin		Baines		
	Middleton		Ford		Haywood		
	Rouane	ch	Reeves	dc	O'Connor		

Place Overview & Scrutiny Committee (9)

	Liberal Democrat Green Alliance (4)		Conservative Independent Alliance (3)		Labour & Co- operative Party Group (2)		Independent (0)
	Levy		Mallon		Baines		
	Povolotsky		Murphy	dc	Hicks		
	Roberts	ch	Snowdon				
	Webber						

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

The Oxfordshire Joint Health Overview & Scrutiny Committee

Constitution, Operating Procedures and Protocols

1. The Committee

Oxfordshire County Council has¹ responsibility to “review and scrutinise any matter relating to the planning, provision and operation of the health services in its area” and to make referrals to the Secretary of State about proposals where it considers proposals for service change, or consultations, have been inadequate. It discharges that responsibility to the Oxfordshire Joint Health Overview and Scrutiny Committee (‘the Committee’).

Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (‘the Constituent Councils’) have under powers in Section 8(2)(a) of the Health and Social Care Act 2001 and associated Regulations², formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act. The Committee will operate within the administrative County of Oxfordshire and will be geographically co-terminus with the boundary of the Oxfordshire Clinical Commissioning Group - in so far as it serves the County of Oxfordshire:-

The Committee will conduct all of its proceedings in accordance with the relevant Regulations and government guidance and shall operate in accordance with this Constitution and the procedures set out herein. In any case of doubt where any matter is not covered by this Constitution then the Constitution of Oxfordshire County Council shall apply, modified as appropriate.

2. Membership

The voting membership of the Committee shall comprise 12 non-executive members of the Constituent Councils. These members will be made up of 7 county councillors and 5 district/city councillors (1 member from each district/city Council). Members should normally serve for a period of 4 years unless they resign or are replaced by the Appointing Council.

¹ ~~Under the Health and Social Care Act 2012, Regulation 28(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and other associated Department of Health guidance,~~

² ~~As amended by section 28 of the Health and Social Care Act 2012 and associated Regulations~~

Councillors will not be eligible to serve on the Committee if:-

- (1) they become a member of an Executive of one of the Appointing Councils or
- (2) they cease to be a member of the authority which appointed them

In the event of either of these occurring, that Councillor's membership of the Committee will be terminated accordingly and a new councillor will be appointed by the Appointing Council.

3. Co-opted Members

In addition to Councillors the Joint Health Overview & Scrutiny Committee shall, in order to assist it in its work, include in its membership up to three non-voting co-opted members. Such members might be appointed because of the personal contribution they would make to the work of the Committee or to represent health related interests as determined by the Committee from time to time.

Co-opted Members shall normally serve for a period of 2 years. Co-opted members may serve for one further consecutive period of 2 years. In the event of a co-opted member resigning before the expiry of ~~her/his~~their period of office a new Co-opted member shall be appointed who shall serve for the remaining period of office. If the member no longer represents the interest(s) for which they were appointed, it shall be open to the Committee to terminate that person's membership.

4. Terms of Reference

The Committee will discharge the functions conferred by the National Health Service Act 2006 governing the local authority health scrutiny function. The relevant regulations are the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 which came into force on 1 April 2013. The Committee may not discharge any functions other than those conferred by that legislation.

The function of the joint committee is to review or scrutinise within the following framework, health services commissioned or delivered in Oxfordshire, or jointly with any other local authority where such services are commissioned outside Oxfordshire but are delivered to the inhabitants of the County:

1. Review or scrutinise any matter relating to the planning, provision and operation of health services in Oxfordshire. This may include the scrutiny of financial information about the operation of a trust or CCG.

2. Review or scrutinise services commissioned and provided by all relevant NHS bodies and health service providers (including GP practices and other primary care providers such as pharmacists, opticians and dentists and any private, independent or third sector providers delivering services under arrangements made by clinical commissioning groups, NHS England or the local authority) All are known as ‘responsible persons’ in the Act).
3. Appoint, when needed, a discretionary joint health scrutiny committee to carry out specified health scrutiny functions, for example, health scrutiny in relation to health issues that cross the boundaries of the authority.
4. Appoint, when needed, a mandatory joint health scrutiny committee to carry out specified health scrutiny functions where a relevant NHS body or health service provider consults more than one local authority’s health scrutiny function about substantial reconfiguration proposals.
5. The public health arrangements in the area, for example, arrangements for the surveillance of, and response to, outbreaks of communicable disease, or the provision of specialist health promotion services;
6. The arrangements made by relevant NHS bodies for consulting and involving patients and the public under the duty placed on them by Sections 242 and 244 of the NHS Act 2006;
7. Social care services and other health related services jointly commissioned under the Oxfordshire Health and Wellbeing Board’s Strategy.

To receive and take account of any relevant information available to it and in particular relevant information provided by Healthwatch Oxfordshire or contractor when it makes a referral to the Committee.

To review and scrutinise any other issues related to health and the population of Oxfordshire.

5. Delegation of Functions

Subject to the requirements of the relevant Regulations and government guidance, the Committee may join with any other local authority or Health Overview and Scrutiny Committee of such authority to form a joint committee. Such body will be able to discharge such functions of that authority or overview and scrutiny committee as may be determined to further the interests of those authorities or committees or is in the interests of the inhabitants of their areas.

The Committee may delegate such of its functions as it wishes to another local authority, subject to such delegation relating to specific issues and the requirements of the relevant Regulations and government guidance.

6. Establishment of Working Groups

The Committee may appoint such Working Groups of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Working Groups will be made by the Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

7. Meetings of the Scrutiny Committees

The Committee shall meet at least five times each year. In addition, other meetings may be called as and when required. A Scrutiny Committee meeting may be called by the Chair of the Committee following consultation with the Deputy Chair; by one third of the members of the Committee; or by the Proper Officer if s/he considers it necessary or appropriate.

The dates for and notices of all meetings of the Committees shall be published as required by Part VA of the Local Government Act 1972. If there is insufficient business a scheduled meeting may be cancelled by the authorised officer following consultation with the Chair and Deputy Chair of the Committee.

Where a Councillor appointed to the Joint Committee is unable for any reason to attend a meeting s/he shall be able to be substituted at that meeting by another non-executive Councillor from the Appointing Council where that Council has rules which permit such substitution. Where there are rules, such substitution shall be in accordance with those rules. However, in the interests of maintaining continuity and the development of experience and knowledge in the functions of the Committee such substitution should be discouraged. Where substitution does take place it shall be the duty of the member of the Committee to ensure that his/her substitute is adequately briefed on the matters to be considered at the meeting. Substitution will not apply to any Working Groups appointed by the Committee.

8. Chair and Deputy Chair

The Chair of the Joint Committee shall be drawn from the County Council members of it and will normally be elected on an annual basis following the annual meeting of Oxfordshire County Council.

The Deputy Chairman of the Joint Committee shall be drawn from the District/City Councillors members of on the Committee and elected on an annual basis immediately following the election of the Chair.

If the Chair and Deputy are both absent from a meeting of the Committee then the Councillor members of that body will elect some other councillor to preside at that meeting from amongst their number who are entitled to vote.

Working Groups will appoint one of their members as Chair for the life of the Panel.

9. Quorum

The quorum of a meeting of the Committee will be one quarter of the whole number of voting members, or three voting members, whichever is the greater. During any meeting, if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. Voting

The Committee should strive wherever possible to reach a consensus on any issue before them without the necessity for a vote. Where however the Chair of the meeting considers that a vote is necessary in order to determine a majority view, it shall be taken by a show or count of hands of the Councillor members present. Co-opted members do not have a vote. In the event of an equality of votes, the Chair of the Committee shall have a second or casting vote.

11. Work Planning and Programming

The development, implementation and management of the work programme of the Joint Overview & Scrutiny Committee is the key to ensuring that health scrutiny is effective, focussed and adds value and that clear objectives are set and regularly evaluated. In undertaking activities within the work programme the Joint Committee may hold enquiries and investigations and appoint advisers and assessors to assist them in this process. They may conduct public surveys, hold public meetings, commission research and do all other things within the law that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with paragraph 21.

The Committee and its Review Panels may go on site visits. However, in the case of premises where Health Services are provided, no powers are contained in the legislation which would require a NHS body to comply with a request for such a visit. Members shall not therefore, in the conduct of their Scrutiny functions, make arrangements to visit such premises unless they are specifically invited to do so by appropriate NHS officers with the authority to do so. Any request for visits would need to be agreed in advance by the Committee.

12. Agendas

The Scrutiny Committee shall consider the following business at its meetings:

Any member of the Committee shall be entitled to give notice to the authorised Officer of the relevant Constituent Council that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for that Committee. The Chair, in discussion with the Proper Officer shall determine how such requests are considered by the Committee.

The rights of other members of the Constituent Councils to place items on the agenda will be in accordance with their respective Constitutions relating to scrutiny procedure rules.

The Committee shall also respond, as soon as their work programme permits, to requests from Healthwatch Oxfordshire to review or investigate any particular issues relating to the functions of the Committee. Where they do so, the Scrutiny Committee shall in addition to any other reporting, send their findings and any recommendations made to Healthwatch Oxfordshire as soon as is practicable.

Public access to meetings of the Committee will be in accordance with the County Council overview and scrutiny procedure rules (rule 16). In addition the County Council's Protocol on Public Participation shall apply and sets out the right of members of the public to seek to raise issues for review.

13. Reports of the Scrutiny Committee

Once the Committee has completed its deliberations on any matter, a formal report will be prepared on its behalf and, when agreed, the authorised officer will refer it and any recommendations to the relevant body or National Health Service body or health service provider as appropriate and to any other body specified by the Committee. At the same time, the report and its findings shall also be made public.

Where any investigation or review is conducted by a working group, that group will refer its findings to the Committee for consideration. If the Committee considers it appropriate it shall prepare a report for submission to the appropriate health body, health service provider and/or local authority and shall make the report and findings public.

In accordance with Regulation 22(6) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, a report or recommendation produced by the Committee must include:-

- an explanation of the matter reviewed or scrutinised
- a summary of the evidence considered
- a list of the participants involved in a review or scrutiny activity
- an explanation of any recommendations on the matter reviewed or scrutinised.

The Committee may request a response from the NHS body(ies) or health service providers to which the report is sent. This shall be given in writing by that body within 28 days. In accordance with section 22(7) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

14. Attendance by National Health Service Officers/Health Service Providers at Meetings of the Committee and Working Groups

The Committee and working groups may require an officer of a local NHS body or health service provider to attend before the Committee to answer questions to enable it to discharge its functions. To this end, at least 15 working days' notice in writing of the date of attendance should normally be given. The notice will state the nature of the item on which s/he is required to attend and whether any papers are required to be produced for the Committee. The officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance, or if an alternative date is not possible an authorised employee to answer questions on their behalf.

15. Attendance by Executive Members and Officers of Constituent Councils

The Committee and working groups may require an Executive member or an officer of any of the Constituent Councils to attend before the Committee to answer questions to enable it to discharge its functions. At least 15 days' notice in writing of the date of attendance should normally be given. It shall be the duty of those persons to attend if so required.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the authorised Officer shall arrange an alternative date for attendance.

16. Attendance By Others

The Scrutiny Committee and working groups may invite people other than those referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions. The Chair of the Committee or working groups shall decide the appropriate form of participation as relevant to the issues under consideration and the individual circumstances prevailing.

Under Regulation 21(2) the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Committee must invite interested parties to comment on matters and must take notice of relevant information, in particular that provided by Healthwatch Oxfordshire or contractor. Such relevant information leading to close working and

complementary actions will help to identify and address issues or inform forward plans effectively. When any information relating to the activities of the Committee are received, the receipt of this information must be acknowledged within 20 working days. In addition, any action taken in relation to the referral should be communicated to the requestor.

17. Provision of Information by NHS Bodies and Constituent Councils

Relevant NHS bodies and health service providers have a duty under Regulation 26(1) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to provide the Committee and working groups with such information about the planning, provision and operation of health services as they may reasonably require to enable them to discharge their functions. Under Regulation 26(3)a The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, this does not include:

- confidential information which relates to and identifies a living individual (unless that individual consents)
- information the body or service provider would be entitled to refuse to provide for the purpose of any court proceedings
- disclosure of information prohibited under any legislation

In such cases, the Committee and working groups can require the information to be put in an anonymised form.

The Constituent Councils should equally supply such information as is requested by the Committee and working groups to enable them to effectively discharge their functions.

18. Duty of NHS Bodies or Health Service Providers to Consult on Substantial Developments or Variations in Provision of Service

Under Regulation 23(1) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 an NHS body or health service provider must consult the Committee, where it has under consideration any proposal for a substantial development of the Health Service or a substantial variation in the provision of such service. This will not apply where:

- it is a proposal to establish or dissolve or vary the constitution of a CCG or establish or dissolve an NHS Trust unless the proposal involves a substantial development or variation.
- proposals are part of a trust's special administrator's report or draft report (ie. when a trust has financial difficulties and is being run by an administration put in place by the Secretary of State). These are required to be the subject of a separate 30-day community – wide consultation.

Part 6.1B *Oxfordshire Joint Health Overview and Scrutiny Committee its current membership*

- the relevant NHS body or health service commissioner believes that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff. In such cases the NHS body or health service provider must notify the local authority that consultation will not take place and the reason for this.

The NHS body or health service provider must inform the Committee when a consultation is happening, the timeframe of a decision and, following a decision, whether to proceed with the proposal. The Committee may comment on the proposals by a date set by the NHS body or health service provider.

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

- consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authority, and not consultation with other stakeholders)
- that the proposal would be in the interests of the health service in Oxfordshire
- a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate

The Secretary of State may require the NHS body to carry out consultation or further consultation with the Committee as s/he considers appropriate. The NHS body must then have regard to the outcome of that and reconsider any decision it has taken.

There are certain limits on the circumstances in which the Committee may refer a proposal to the Secretary of State. In particular, where it has made a recommendation and the relevant NHS body or health service provider has disagreed with the recommendation, it may not refer a proposal unless:

- it is satisfied that reasonable practicable steps have been taken to try to reach agreement (with steps taken to involve the provider where NHS England or a CCG is acting on the provider's behalf) but agreement has not been reached; or
- it is satisfied that the relevant NHS body or health service provider has failed to take reasonably practicable steps to try to reach agreement within a reasonable period.

If the Committee has not commented on the proposal or has commented without making a recommendation, it may not refer a proposal unless it has informed the relevant NHS body or health service provider of its decision as to whether to exercise its power of referral and, if applicable, the date by which it proposed to exercise that power; or the date by which it proposes to make a decision as to whether to exercise its power of referral.

In the case of both discretionary committees (ie. where councils have chosen to appoint the joint committee to carry out specified functions) and mandatory joint committees (ie. where councils have been required under Regulation 30 to appoint a joint committee because a local NHS body or health service provider is consulting more than one local authority's health scrutiny function about substantial reconfiguration proposals):

- where the power to refer has been delegated to the joint committee, only the joint committee may make a referral.
- Where the power to refer has not been delegated to the joint committee, the individual authorities that have appointed the joint committee (or health overview and scrutiny committees or sub-committees to whom the power has been delegated) may make a referral.

In making a referral to the Secretary of State, the Committee should set out:

- An explanation of the proposal to which the report relates.
- An explanation of the reasons for making the referral.
- Evidence in support of these reasons.
- Where the proposal is referred because of inadequate consultation, the reasons why the Committee is not satisfied of its adequacy.
- Where the proposal is referred because there was no consultation for reasons relating to safety or welfare of patients or staff, reasons why the Committee is not satisfied that the reasons given for lack of consultation are adequate.
- Where the Committee believes that proposals are not in the interests of the health service in its area, a summary of the evidence considered, including any evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service in the area.
- An explanation of any steps that the Committee has taken to try to reach agreement with the relevant NHS body or health service provider.

- Evidence that the health scrutiny body has complied with the requirements which apply where a recommendation has been made.
- Evidence that the health scrutiny body has complied with the requirements which apply where a recommendation has not been made, or where no comments have been provided on the proposal.

If the change/issue is being supported by the Health and Wellbeing Board, the Committee will need to be clear why they oppose this support.

19. Public Access to Meetings of the Committee

Meetings of the Joint Health Overview and Scrutiny Committee are subject to the public access procedures and protocols contained in the County Council's Constitution.

20. Officers

The County Council will provide staff, specialist advice and support to the Committee and any working groups it establishes. It will also service and support the Committee. The Constituent Councils will each nominate a senior officer to provide support to the Health Scrutiny function.

21. Finance

The County Council will meet the operational and running costs of the Committee and any working groups it establishes. The Constituent District/City Councils will meet the operational and running costs of any health scrutiny review they wish to have considered by the Committee.

When the Committee has asked witnesses to attend to address them on any matter under consideration, they may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so. The costs of these activities will be met in accordance with the above.

22. Conduct of Members

The Codes of Conduct of their relevant Appointing Authorities shall apply to all Councillor Members of the Committee. The Oxfordshire County Council Code of Conduct shall apply to the Co-opted members of the Committee.

Each of the Appointing Authorities shall be responsible for indemnifying the Councillors appointed by them to the Committee against any claims against them as a result of lawfully discharging the functions of the Committee.

23. Annual Report

The Committee shall produce in April each year a report for the Appointing Authorities on its activities during the preceding year. That report shall also be published to health bodies and the public.

24. Review of Activities

The Committee shall periodically review their activities and evaluate the outcomes of their work plan and programme.

25. Termination of Arrangements

The joint arrangements may be terminated by agreement between the Constituent Councils.

Joint Committees

Oxfordshire Joint Health Overview & Scrutiny Committee (7)

	Liberal Democrat Green Alliance (3)		Conservative Independent Alliance (2)		Labour & Co- operative Party Group (2)		Independent (0)
ch	Hanna		Champken-Woods		Edosomwan		
	Ley		Fatemian		Hicks		
	van Mierlo						

District Council Representatives (5):

District Councillor Paul Barrow

District Councillor Jill Bull

District Council John Donaldson

District Councillor David Turner

dc City Councillor Jabu Nala-Hartley

Non-Voting Co-opted Members (3)

Jean Bradlow

Dr Alan Cohen

Barbara Shaw

Joint Horton Health Overview & Scrutiny Committee (8)

Representing Oxfordshire County Council

Councillor Hannah Banfield

Councillor Mark Cherry

Councillor Arash Fatemian

Councillor Jane Hanna OBE

Councillor Dr Nathan Ley

Councillor Kieron Mallon

Councillor Freddie van Mierlo

Councillor Eddie Reeves

Representing Northamptonshire County Council

Vacancy

Representing Warwickshire County Council

Councillor Clare Golby

Non-Voting Co-opted Member

Dr Keith Ruddle

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

Joint Horton Health Overview & Scrutiny Committee (8)

Representing Oxfordshire County Council

Councillor Hannah Banfield

Councillor Mark Cherry

Councillor Arash Fatemian

Councillor Jane Hanna OBE

Councillor Dr Nathan Ley

Councillor Kieron Mallon

Councillor Freddie van Mierlo

Councillor Eddie Reeves

Representing Northamptonshire County Council

Vacancy

Representing Warwickshire County Council

Councillor Clare Golby

Non-Voting Co-opted Member

Dr Keith Ruddle

ch - Chair

dc - Deputy Chair

sp - Opposition Group Spokesperson

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 team.
- ~~(c) 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 paid service; corporate management and promotion of the Council's strategic objectives;
Director for Law & Governance	Monitoring Officer; the Constitution and corporate governance framework; ethical governance; Legal Services and advice; support for councillors and the democratic process; complaints resolution; information governance; procurement.
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.
Director of Finance	Corporate financial management and administration; internal audit; Chief Finance Officer (Section 151 Officer)
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.

Post	Principal Areas of Service
Corporate Director Adult 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 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.
Corporate Director for Commercial Development	Estates and valuation; property services; corporate security; investment strategy; law and governance; fire and rescue services;

Assets and Investment	trading standards; animal welfare; gypsy and traveller service; emergency planning.
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(d)(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 for 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 would give rise to unlawfulness or if any

decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.¹

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

4. Functions of the statutory position of Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or, in the case of an executive function, to the Cabinet, and to the Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.²

¹ Section 5 of the Local Government & Housing Act 1989

² 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, 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, 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.

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 2, Article 13 of the Constitution.~~
- 1.2. This scheme is without prejudice to the exercise of the council's functions by the council, the Cabinet, the council's committees and sub-committees and their own powers of delegation and by the officers mentioned within 1.1 above.
- 1.3. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.
- 1.4. The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her.
- 1.5. For the avoidance of doubt:
 - (a) the Chief Executive has over all other officers the powers which they are entitled to exercise under this Scheme;
 - (b) an officer may refer any matter to the Council, the Cabinet, or a committee of the Council as appropriate either:
 - (i) in lieu of exercising his/her powers in relation to that matter; or
 - (ii) for consultative purposes before exercising those powers;
 - (c) the power to exercise any function includes the power to exercise that function in a positive or negative manner or to refuse to exercise the function;
 - (d) nothing in this Scheme prevents the Council, the Cabinet or a committee of the Council from exercising a function in place of an officer;
 - (e) in this Scheme references to the Cabinet shall be taken to include the relevant Cabinet Member, 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 council in accordance with the following general principles:

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

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

- (i) In the first instance, the person deputised to act will be the other officer named on the duty rota operated by the Council
 - (ii) In the absence of both the Chief Executive and the duty rota officer, any other officers may deputise for the Chief Executive in consultation with the Director of Law and Governance and Chief Finance Officer.
 - (i) Anything delegated to an officer is also delegated to the Chief Executive;
 - (j) These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the council's goals.
 - (k) The exercise of delegated functions shall be in accordance with the managerial requirements of the Chief Executive otherwise than in matters of professional expertise, and subject to the legal requirements of the Director of Law & Governance and the financial requirements of the Director of Finance.
- 2.2. In deciding whether or not to exercise such delegated powers, the Chief Executive and the other officers should consider whether to consult the appropriate Cabinet member(s) or committee 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 and Governance may prescribe (including for the avoidance of doubt any delegation under paragraph 2.1(e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name.
- 3.2. Each officer will maintain a separate record of sub-delegations pertaining to his/her directorate and will provide copies to the Director of Law and Governance for retention.
- 3.3. The Director of Law and Governance will maintain a central record of all delegations under this scheme and make this available for public inspection. The record shall be kept up to date according to any additions or other variations to the powers and functions which are delegated to officers.
- 3.4. Any decision of an officer having substantive effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. Any key decision shall be recorded as required by the

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

4. Scope of Powers

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

responsible for monitoring, enforcing or otherwise implementing on behalf of the council, subject to authorisation by the Director of Law and Governance; the negotiation of agreements or arrangements with other directorates of the Council or other companies or organisations relating to the provision of services for his/her directorate;

- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
- (c) in the case of any overspend to notify the Director of Finance in the role of Section 151 officer in accordance with the financial procedure rules and regulations;
- (d) subject to the Officer Employment Rules set out at Part 8.4 of this Constitution, to determine staffing arrangements within his or her directorate within approved budgets (except for staff employed in schools with delegated budgets), including:
 - (i) appointments, unless the power to appoint to a particular post rests with the Council or a committee of the Council;
 - (ii) dismissal of any employee subject to the concurrence of the Director of Human Resources (except where the power of dismissal is vested by law in the other officer);
 - (iii) the transfer of posts within the total establishment of his/her directorate;
 - (iv) all disciplinary matters;
 - (v) granting ex-gratia payments up to a limit determined by the Director of Law and Governance to employees who have suffered loss of, or damage to, personal property in the course of their work;
 - (vi) extending an employee's sick leave on half pay for a period not exceeding the equivalent period of half pay already received; and
 - (vii) granting up to 10 days' additional paid leave on compassionate grounds, or up to twelve months unpaid leave;
 - (viii) granting unpaid leave beyond twelve months, and any other exceptional request for leave, subject to the agreement of the Director of Human Resources and the Director of Finance.
- (e) to take all action to recruit, appoint, develop, manage and reward employees, in accordance with legislation and within approved council policies and procedures (including operation of policies for voluntary

severance, early retirement, redundancy and redeployment) and relevant conditions of service for staff.

5. Delegation in Practice

- 5.1. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:
- (a) a key decision should be taken in accordance with the relevant requirements (including the requirements for the recording of such decisions under Rule 18 of Part 8.1 of this Constitution);
 - (b) the views of the relevant Cabinet member(s) and committee chair following the application of the consultation criteria set out in paragraph (c) below;
 - (c) the implication of any council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other services. In such cases, consultation with officers, relevant Cabinet member(s) or committee chairmen from any affected portfolio and local members, where the issue relates to a specific area, should take place;
 - (d) consultation in accordance with the council's consultation strategy and the views emanating from that process;
 - (e) the range of available options;
 - (f) the staffing, financial and legal implications;
 - (g) the assessment of any associated risks in accordance with the council's risk management strategy;
 - (h) the involvement of appropriate statutory officers and/or other officers;
 - (i) the relevance of any regional or national guidance from other bodies;
 - (j) the council's constitution, including the Forward Plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.
- 5.2. Any member may request that executive decisions taken by officers under delegated powers are scrutinised by the appropriate scrutiny committee.

6. Specific Powers and Functions

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

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

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

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

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

- (a) The functions under Section 4 of the Local Government and Housing Act 1989 as the Head of Paid Service of the Council, ~~and in accordance with Article 13 of this Constitution.~~
- (b) Allocation of accommodation for the purposes of the Council, the Cabinet, committees, sub-committees and members.
- (c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate other officer and thereafter:
 - (i) in the case of an executive function, with the Leader of the Council or, in his/her absence, the Deputy Leader of the Council; or
 - (ii) in any other case, with the Chair of the relevant committee or sub-committee or, in his/her absence, the Deputy Chair of the relevant committee or sub-committee.

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

- (d) Following consultation with employees' representatives and with the Cabinet Member having responsibility for human resources and any other member(s) of the Cabinet whose responsibilities include a service particularly affected, approval of amendments to the County Council's personnel policies and procedures, subject to reference being made to the Cabinet where either:
 - (i) they would have material budget implications; or
 - (ii) material concerns about them have been expressed by the employees' representatives.

- (e) The powers and duties of County Returning Officer for the purposes of Section 35 of the Representation of the People Act 1983.

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

- (a) take any action to implement any decision taken by or on behalf of the council, including the signature and service of statutory and other notices and any document; and authority to apply the Common Seal of the County Council to deeds in order to execute them;
- (b) institute, defend, settle or participate in any legal proceedings or disputes in any case where such action is necessary to give effect to decisions of the council or in any case where the Director of Law and Governance considers that such action is necessary to protect the council's interests;
- (c) consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the council, and the negotiation and settlement of legal disputes on behalf of the Council, the Cabinet, committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where he/she considers formal representation to be proper, including the incurring of such fees in respect thereof as may be appropriate;
- (d) authorisations under Section 223 of the Local Government Act 1972 (appearance by persons other than solicitors in legal proceedings);
- (e) acting as trustee on behalf of the Council in respect of any matter whereon he/she considers such action to be appropriate;
- (f) enter objections to any proposal affecting the county, the council or the inhabitants of the county;
- (g) undertake the following proper officer functions of the Council under the Local Government Act 1972:
 - (i) Declaration of Acceptance of Office (Section 83);
 - (ii) Notice of Resignation of Office (Section 84);
 - (iii) Convening of and Summonses to Meetings (Section 88 & Schedule 12);
 - (iv) Filling of Casual Vacancies (Section 89);
 - (v) General Notices regarding Pecuniary Interest (Section 96);
 - (vi) Ordnance Survey (Section 191);
 - (vii) Charitable Trusts (Section 210);
 - (viii) Deposit of Documents (Section 225);
 - (ix) Certificate of Photographic Copies of Documents (Section 229);
 - (x) Authentication of Documents (Section 234);
 - (xi) Procedure etc. for Bye-Laws (Section 236);
 - (xii) Evidence of Bye-Laws (Section 238);
 - (xiii) Enactments relating to Town & Country Planning (Schedule 16)
 - (xiv) 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 13 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 Commissioner, 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;
- (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.

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 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~~, subject to the provisions of Part 7.1 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.