

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>

		Amendments made to Article 12: Paragraph 5 and Schedule 4 (which relate to the Section 113 Agreement with Cherwell DC) have been removed as the Agreement is no longer in place XXXX XXXX
Part 4.1	The existing Part 4.1 and Article 6	<i>"The Cabinet"</i>
		Article 6 defined the role of the Cabinet and the existing Part 4.1 listed current members, so the two fit together without need for textual amendments
New Part 5.1A	The existing Part 5.1 and Article 9	<i>"Regulatory and Other Committees"</i>
		Article 9 defined the role of the Committees and the existing Part 5.1 lists current members, so the two fit together without need for textual amendments
New Part 5.1B	The existing Part 5.1 and Article 10	<i>"Health and Wellbeing Board"</i>
		Article 10 defined the role of the Board and the existing Part 5.1 lists current members, so the two fit together without need for textual amendments
New Part 5.1C	The existing Part 5.1 and Article 11	<i>"Remuneration Committee"</i>
		Article 11 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 5.1D	The existing Part 5.1	<i>"Membership of Other Joint Committees"</i>
		The residue of the existing Part 5.1 (listing committee memberships) has been moved into the new Part 5.1D
New Part 6.1A	The existing Part 6.1 and Article 7	<i>"Overview and Scrutiny Committees"</i>
		Article 7 defined the role of the Overview and Scrutiny Committees and the existing Part 6.1 lists current members,

		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>
Other traffic authorities outside London operating Special and Permitted Parking Areas ²	National Parking Adjudication Service Joint Committee

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

Part 3 – Relating to Scrutiny Functions

Partner Authority(ies)	Committee
Oxfordshire County Council and the 5 district councils in the County ³	Oxfordshire Joint Health Overview & Scrutiny Committee

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 Brighthouse 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 Brighthouse 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	Leverson		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		
	Rotane		Sibley	ch	Saul		
dc	Webber		Snowdon				

Health & Wellbeing Board

1. Health & Wellbeing Board

The Council must establish a Health & Wellbeing Board⁴. 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