

- (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	Brighthouse		
	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-Bymes
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		Leverson		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)
	Edison		John		Benfield		
dc	Gregory	ch			EdisonWan		
			Simmons				
			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			

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 has⁴ 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.

⁴ ~~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.

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- 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.