

1. CITIZENS' RIGHTS AND OTHER BASIC RULES

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1.1 Summary of citizens' rights

Citizens have the right to:

- vote at local elections and get in touch with their local councillors
- sit in on Council, City Executive Board and committee meetings, except when exempt or confidential items are discussed (see 15)
- address Council and ask questions (see 11.11)
- ask questions at the City Executive Board (see 12.7), and the Scrutiny Committees (see 13.8) and other committees (see 14.8)
- contribute to Scrutiny Committee inquiries (see 13.9)
- look at the Forward Plan which shows what key and other decisions will be taken and when (see 15.16) – this is available on the Council's website and at the Town Hall.
- look at agendas, reports, minutes and background papers (see 15) – agendas, reports and minutes are available on the Council's website and at the Town Hall
- look at the register of members' interests (see 22.4) – this is available on the Council's website and at the Town Hall
- look at a copy of the Constitution (see 2)
- sign a petition calling for a referendum on an elected mayor
- submit petitions to the Council either electronically or in paper and have officers consider what actions may be taken in response

- have petitions containing at least 1,500 signatures considered by a meeting of Council if the petition organiser makes a request for such a debate in writing to the Head of Law and Governance
- make a complaint to the Council – see the Council and Democracy page on the Council’s website and follow the links to Comment, Compliments and Complaints
- complain to the ombudsman if they have already complained to the Council
- complain to the Monitoring Officer that a councillor has broken the Members’ Code of Conduct (see 22)
- inspect the Council’s accounts at an advertised time and comment to the external auditor.

1.2 Councillors

(a) Elections and terms of office

There are 48 councillors, who represent 24 wards. Each ward has two councillors.

Half the councillors are elected every other year, with elections in 2014, 2016, 2018 and so on.

Councillors serve for four years. They become councillors on the fourth day after being elected. Their term of office ends four years later, on the fourth day after the elections.

(b) Role of councillors

Councillors:

- set the Council’s overall policies
- provide political leadership
- represent people in their wards – this may involve balancing different interests
- deal with casework for people in their wards
- go to Council and committee meetings
- work to improve Council services

- represent the Council on other bodies
- (c) Rights and duties of councillors

The Council will give councillors the information and resources they need to do their jobs, as far as the law allows.

Councillors must obey the law and follow the Members' Code of Conduct (see 22). They are guided by the Code on Councillor – Officer Relations (see 23), the Planning Code of Practice (see 24) and the ICT Acceptable Use Policy (see 27).

- (d) Councillors' allowances

Councillors can claim allowances. See 26.

1.3 Council

- (a) Role of Council (sometimes referred to as "full Council")

Council is attended by all councillors. Some things can only be done by Council. These include:

- agreeing the Council's overall budget and policies (which are known as the budget and policy framework – see 5.2)
- changing the Constitution
- electing of the Leader in the year in which this is required
- appointing committees of Council
- confirming who will be Chief Executive, Chief Finance Officer and Monitoring Officer

Proposals that go against the budget or policy framework must normally be agreed by Council. But there is a procedure for urgent decisions outside the budget and policy framework (see 16.4).

- (b) Council Meetings

There are three types of Council meetings: annual meetings, ordinary meetings and special meetings.

Council procedures are in 11.

1.4 Leader and City Executive Board

(a) Members of the City Executive Board

The City Executive Board is made up of the Leader, the Deputy Leader and up to eight other councillors. The Leader is appointed by Council. The Leader appoints the Deputy Leader and City Executive Board members. Members of the City Executive Board cannot be Lord Mayor or Deputy Lord Mayor or a member of a scrutiny committee.

(b) Term of office of City Executive Board members

City Executive Board members hold office from when they are appointed by the Leader until:

- they are removed by the Leader
- they stop being a councillor or
- they are disqualified from being a councillor

(c) City Executive Board meetings

City Executive Board meetings follow the City Executive Board procedures (see 12).

(d) Executive decisions

The City Executive Board takes decisions collectively at City Executive Board meetings. Some decisions are delegated to officers (see 4).

City Executive Board decisions must be consistent with the overall policies of Council (policy framework). They must also be within the budget set by Council.

(e) Key decisions

Some decisions that the City Executive Board takes are key decisions (15.14). When the City Executive Board is going to take a key decision, it should be shown in the Forward Plan (15.16).

(f) Role of the Leader

The Leader is responsible for:

- appointing and removing the Deputy Leader

- appointing members to and removing members from the City Executive Board
- allocating executive responsibilities
- appointing members to other executive positions such as the Oxfordshire Growth Board and its advisory sub-groups

(g) Term of office of Leader

The Leader holds office from the date of appointment by Council for a term of up to four years or for such lesser period of time as the leader holds office as a councillor. The Leader's term of office will extend to the annual meeting of Council immediately following her or his normal date of retirement or failure to get re-elected and at that meeting another Leader will be appointed by Council and the former Leader's term of office will end.

(h) Deputy Leader

The Deputy Leader is appointed by the Leader. The Deputy Leader holds that office for as long as the Leader wants her or him to hold that position.

If the Leader is unable to act, the Deputy Leader may carry out the Leader's statutory functions (for example of appointing or removing City Executive Board members) but does not assume the position of Leader. If the Leader ceases to be the Leader, the Deputy Leader also ceases to be the Deputy Leader and reverts to an ordinary City Executive Board member.

1.5 Other committees that take decisions

Other committees that take decisions include area planning committees, committees to deal with licensing and regulation, committees to deal officer with appointments and appeals and a standards committee. Section 7 describes their roles.

1.6 Scrutiny

(a) Scrutiny committees

The Council has one scrutiny committee.

The Council also appoints one member to Oxfordshire Joint Health Overview and Scrutiny Committee and three members to the Oxfordshire Growth Board Scrutiny Panel.

(b) Role of the Scrutiny Committee

The Scrutiny Committee scrutinises the Council's decisions and work. For more details, see 8.

(c) Procedure at Scrutiny Committees

The scrutiny committee follows the scrutiny committee procedures in 13.

1.7 Lord Mayor and Deputy Lord Mayor

(a) Election of Lord Mayor and Deputy Lord Mayor

The Lord Mayor and Deputy Lord Mayor are elected and appointed respectively by Council each year.

(b) Ceremonial role

The Lord Mayor represents the Council at civic and ceremonial events.

(c) Chairing Council

The Lord Mayor chairs Council. In chairing Council, the Lord Mayor will:

- promote the purpose of the Constitution (see 2.3)
- interpret the Constitution
- get the business done efficiently but pay attention to the rights of all councillors and the interests of local people
- make Council a place for discussing the concerns of local people and holding the City Executive Board to account
- encourage the public to take part in the Council's activities
- be the conscience of Council.

1.8 Council employees

Council employees are called Council officers. Officers give advice, act on the Council's decisions and run the Council's services. Some officers have a special duty to make sure the Council follows the law or uses its resources wisely (see 9).

When employing and dismissing officers, the Council follows the employment rules (see 20).

2. ABOUT THE CONSTITUTION

- 2.1 Status of this constitution**
- 2.2 Interpreting the constitution**
- 2.3 Purpose of the constitution**
- 2.4 Monitoring and reviewing the constitution**
- 2.5 Changing the constitution**
- 2.6 Changing governance arrangements**
- 2.7 Suspending the constitution**
- 2.8 Publishing the constitution**

2.1 Status of this constitution

The Council will follow this constitution unless it conflicts with the law.

2.2 Interpreting the constitution

When the Constitution and the law allow the Council to do more than one thing, the Council will do what is closest to the purpose of the constitution (see 2.3).

At Council, the Lord Mayor's interpretation of the constitution will be final. When interpreting the Constitution, the Lord Mayor will consider the purpose of the Constitution (see 2.3) and the advice of the Monitoring Officer.

If the Constitution has no procedures for a meeting, or if there is a gap in the procedures for a meeting, the chair will decide what to do. This must be consistent with the purpose of the Constitution (see 2.3)

2.3 Purpose of the constitution

The Constitution exists so that the Council can take its decisions and do its work effectively. It will help councillors to represent their wards and help the Council to:

- provide clear leadership for the city
- carry out proper consultation and take professional advice
- act openly except when there are strong reasons not to (see 15)
- hold decision takers to account and make sure no one reviews their own decisions
- respect human rights

- act proportionately (European law defines this as doing no more than is necessary in a democratic society to achieve a legitimate aim).

2.4 Monitoring and reviewing the constitution

The Monitoring Officer will monitor and review the Constitution and may recommend changes.

2.5 Changing the constitution

The Monitoring Officer can change the Constitution if it is to put right clerical mistakes or to make it follow the law. The Monitoring Officer can also change Section 4 (who carries out executive responsibilities) and Section 6 (roles of City Executive Board members) to reflect the wishes of the Leader.

Any other changes must be agreed by Council after considering a report from the Monitoring Officer.

2.6 Changing governance arrangements

The Council may, by resolution, change the form of its executive arrangements or change to a different permitted model of governance. The Council may choose to hold a referendum in that event.

2.7 Suspending the constitution

The Constitution can only be suspended where it says so (but see 11.24).

2.8 Publishing the constitution

The Monitoring Officer will keep an up to date version of the Constitution and publish it on the Council's website and put paper copies in Council offices.

3. COUNCIL RESPONSIBILITIES AND EXECUTIVE RESPONSIBILITIES

- 3.1 Council responsibilities and executive responsibilities**
- 3.2 Summary of Council responsibilities and executive responsibilities**
- 3.3 Delegation of responsibilities**
- 3.4 How delegation works**
- 3.5 Interpreting the rules on delegation**
- 3.6 Responsibilities are carried out on behalf of the Council**

3.1 Council responsibilities and executive responsibilities

The law divides a Council's work into three categories:

- Council responsibilities – these must be the responsibility of Council.
- Executive responsibilities – these must be the responsibility of the Leader.
- Local choice responsibilities – it is up to individual Councils whether these are the responsibility of Council or the Leader.

Council responsibilities are listed in Section 5. Any responsibilities not listed in Section 5, including all local choice responsibilities, will be the Leader's responsibilities.

3.2 Summary of Council responsibilities and executive responsibilities

| Council responsibilities | Executive responsibilities |
|---|---|
| the budget and policy framework | <ul style="list-style-type: none">• everything else |
| regulatory work, for example planning and licensing | |
| elections and electoral registration | |
| collective terms and conditions other than pay | |
| all of the other matters in 5.8 to 5.15 | |

3.3 Delegation of responsibilities

Council and the Leader delegate some of their responsibilities to committees, single members and officers. Details of this are in Section 4 and Section 5. Council and the Leader cannot delegate to each other.

3.4 How delegation works

(a) Delegation by Council and the Leader

Council and the Leader can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

Council and the Leader can also decide to delegate further: responsibilities that the leader has not already delegated can be delegated to a committee of the City Executive Board or a single member or officer; responsibilities that Council has not already delegated can be delegated to a committee of Council or to officers.

(b) Officers' use of powers delegated to them by Council and the Leader

Officers do not have to use their delegated powers: they can ask the body that delegated to them to decide (except the Head of Planning, Sustainable Development and Regulatory Services will ask the area planning committee to decide on planning functions delegated from Council).

Officers who have had something delegated to them (and those officers who manage them) can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

3.5 Interpreting the rules on delegation

When a responsibility is delegated in the Constitution, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).

3.6 Responsibilities are carried out on behalf of the Council

Council responsibilities and executive responsibilities are carried out on behalf of the Council and in the Council's name.

3.7 The Council's companies

Where the Council uses the enabling legislation to create its own companies, either as the sole or as a joint owner, the responsibility to represent the Council as shareholder of each such company is an executive function. The Leader of the Council may therefore determine the nature of such representation, generally operated through a shareholder group of a size and composition at the Leader's discretion. The broad terms of the objects of each such Council company will be recorded in its Articles of Association, while its Shareholder Agreement will set out more detailed operational arrangements and the matters which are reserved for determination by the shareholder. In general, these reserved matters will be key structural and high-level operational matters rather than the "day-to-day" business of the company, which will be the responsibility of the company's directors. The directors are appointed by the shareholder(s).

The company's directors hold a fiduciary duty to their company, but at the same time are also accountable to the shareholder, and as such owe duties to both the Council and the company.

The shareholder group will meet the company's directors and representatives on a periodic basis to be determined by the Leader to monitor the company's progress, to decide any matters falling within its reserved matters and to determine the future direction of the company. The activities of the shareholder group, but not the company itself, will be subject to consideration by the Council's scrutiny panel.

It is important to recognise that each Council-owned company is an independent legal entity which is entirely separate from the Council. The company will have its own identity and responsibilities, so cannot be treated as simply another internal department of the Council. A Council-owned company is required to comply with Company law, its Articles of Association and its Shareholder's Agreement. It is not governed by the Council's Constitution. The Council and the company may well, however, choose to contract with each other as separate entities - for example, the Council may appoint a company as its supplier of certain of its statutory or other services, while a company may appoint the Council to supply its support or administrative services. Where the company meets the requirements of the "Teckal exemption" such contracts may be awarded without the need to comply with the full requirements of the Public Contract Regulations.

As a result of the fact that the Council and its companies are separate legal entities, when they contract, or otherwise interact, with each other, care must be taken to ensure that conflicts of interest are avoided whenever possible. When Council officers are asked to provide advice in a situation where the interests of the Council and the company are not entirely aligned, individual officers should be assigned to advise or represent one side or the other, but should not act for both.

4. WHO CARRIES OUT EXECUTIVE RESPONSIBILITIES?

- 4.1 Need to act within the budget and policy framework
- 4.2 Gaps in the policy framework
- 4.3 Need to follow the Constitution
- 4.4 Delegation to officers
- 4.5 Decisions that must be agreed by the City Executive Board
- 4.6 Ward member decisions
- 4.7 Decisions relating to Port Meadow and Wolvercote Common
- 4.8 Public Spaces Protection Orders
- 4.9 Responsibilities not covered by these rules

4.1 Need to act within the budget and policy framework

Executive responsibilities must be carried out within the budget and policy framework.

4.2 Gaps in the policy framework

In areas where the law requires there to be a plan or a strategy, no executive responsibilities can be carried out until a suitable plan or strategy is agreed by Council.

In areas where the law does not require there to be a plan or a strategy, the Leader (or the City Executive Board, or any members or officers the Leader has delegated to) can do anything within the law.

4.3 Need to follow the Constitution

Executive responsibilities must be carried out in a way that follows the Constitution. Special attention should be paid to the finance and contract rules (see 18 and 19).

4.4 Delegation to officers

All executive functions except the ones in 4.5 and 4.6 are delegated to the officers in the senior management structure (see 9.1).

Officers in the senior management structure can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions but will remain responsible and accountable for the exercise of the delegated functions.

An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and
- the Constitution or the law does not require it to be carried out by someone else.

Details of the following decisions taken by officers under delegated powers will be published on the Council website:

- Awarding a contract with a value in excess of £10,000 but less than £500,000
- Acquiring or disposing of freeholds or leaseholds with a consideration or premium in excess of £10,000 but less than £500,000
- Granting to new tenants or disposing of leases with a rental value in excess of £10,000 per annum but less than £125,000. This excludes assignments, holding over and rent reviews
- Granting 'project approval' for projects in excess of £10,000 but less than £500,000
- Making a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order
- Discharging an express delegation from the City Executive Board where there is an element of discretion to be exercised by the officer.

4.5 Decisions that must be agreed by the City Executive Board

- recommending to Council the budget and policy framework (see 5.2)
- recommending to Council the medium term financial strategy
- agreeing a draft budget for consultation
- recommending extra spending outside the budget to Council
- using a year-end surplus in a trading account
- considering periodic financial, risk, performance management and customer feedback monitoring reports

- agreeing the risk management strategy
- recommending to Council transfers of assets between the general fund and housing revenue account
- agreeing transfers between cost centres of £250,000 to £500,000 that are consistent with the policy framework.
- giving project approval for projects of £500,000 or over
- accepting tenders of £1,000,000 or over
- considering reports from the National Audit Office and agreeing action plans in response
- receiving Scrutiny recommendations and re-considering decisions of the City Executive Board which have been referred back from Scrutiny following the call-in of a City Executive Board decision
- matters that the statutory officers (see 9.2) of the Council place on the agenda
- making compulsory purchase orders
- agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges)
- responding to consultations by outside bodies where the Leader wishes the City Executive Board to approve the response
- appointing representatives to outside bodies
- adopting supplementary planning guidance
- acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000.
- acquiring or disposing of leases with a rental value over £125,000 each year
- disposing of property or leases for less than best consideration
- changing eligibility for services
- agreeing the community and voluntary organisations grants prospectus

- giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties)
- setting minimum service standards
- designations of conservation areas
- naming and numbering of streets if there are unresolved objections following consultation
- making a Public Spaces Protection Order that affects multiple neighbourhood actions areas or the city centre and which has a significant impact on anti-social behaviour across the city
- confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995(as amended)
- formally designating a Neighbourhood Plan area
- designating a Neighbourhood Forum as a “relevant body”
- agreeing that the legal tests have been met and to proceed with the consultation stage in relation to a draft Neighbourhood Plan
- submitting any consultation responses and a draft Neighbourhood Plan for independent examination
- approving the modifications to policies in a Neighbourhood Plan as recommended by an Examiner’s report and approving any factual modifications that have been made for the purpose of correcting errors and approving any factual modifications relating to textual changes in the introductory chapters or in terms of the justification for the policies in a draft Neighbourhood Plan
- agreeing that a draft Neighbourhood Plan (as modified) is submitted to a referendum

4.6 Ward member decisions

- (a) Each member of Council will (subject to the budget being approved annually by Council) be allocated an amount of money to spend in their ward (Ward Member Budgets). Members representing wards not covered by a parish council may also be allocated a neighbourhood portion of Community Infrastructure Levy (CIL)

monies. If the ward member changes during the year without their full allocations being designated (including any allocations carried forwards from a previous year), the replacement ward member will be able to allocate the remaining balance.

(b) The allocation may be spent only if it would benefit the economic, social or environmental well-being in relation to the member's own ward. Members may pool budgets across adjoining wards to benefit a wider area. The allocation can be spent on community projects benefiting groups or communities living or working in the ward such as:

- Improving, refurbishing or cleaning up parts of the local area
- Purchasing new street furniture or signage (having regard to any future servicing or maintenance requirements)
- Supporting local groups, events or newsletters

The allocation cannot be spent on:

- Projects that would financially benefit the ward member or members of their family directly
- Projects that are political in nature
- Projects that conflict with the statutory functions or values of the Council
- Projects that conflict with a Council decision or proposed course of action (e.g. to lobby against a planning application)

(c) Any spend must be approved by the Monitoring Officer and the Chief Finance Officer.

(d) No spend may be sought in a financial year in which City Council elections are held before those elections are held.

(e) The decision to incur the spend may be called-in (see 17)

(f) Any unspent allocations at the end of a financial year will be carried forwards unless Council agrees otherwise.

(g) Details of the use of ward member budgets including the level of spend and projects funded will be published on the Council website at the end of the financial year.

4.7 Decisions relating to Port Meadow and Wolvercote Common

Decisions of the City Executive Board, ward members and officers that relate to the ownership and management of Port Meadow and Wolvercote Common, including access, works, agricultural and public activities will be subject to consultation and agreement with the Freemen and Commoners having regard to their respective rights over the Meadow and Common.

4.8 Public Spaces Protection Orders

Following appropriate consultation to include the relevant City Executive Board member and ward councillors, the Executive Director of Sustainable City can adopt and publish Public Spaces Protection Orders where the area covered by the Order is wholly within a neighbourhood action group (NAG) area or is confined to the vicinity of the banks of waterways within the city. All of the statutory requirements for the making of an order must be satisfied.

4.9 Responsibilities not covered by these rules

If a responsibility is not reserved to the City Executive Board and no one has budgetary and management responsibility for it, the Leader will arrange for it be carried out by the City Executive Board or an officer.

5. WHO CARRIES OUT COUNCIL RESPONSIBILITIES?

- 5.1 Council responsibilities
- 5.2 Budget and policy framework
- 5.3 Planning
- 5.4 Licensing of alcohol, entertainment and late night refreshment
- 5.5 Licensing of gambling
- 5.6 Taxi and private hire and other vehicle licensing
- 5.7 Other licensing and registration functions
- 5.8 Health and safety at work
- 5.9 Functions relating to the name and status of areas and individuals
- 5.10 Functions relating to community governance
- 5.11 Byelaws
- 5.12 Power to promote or oppose local or personal bills
- 5.13 Pensions
- 5.14 Ban on smoking in public places
- 5.15 Other Council responsibilities

5.1 Council responsibilities

Council responsibilities are listed in this section, which also shows who carries them out. Anything not listed in this section is an executive responsibility.

Legislation referred to in this section includes any amendments, re-enactments or subordinate legislation.

Decisions that relate to the ownership and management of Port Meadow and Wolvercote Common, including access, works, agricultural and public activities will be subject to consultation and agreement with the Freeman and Commoners having regard to their respective rights over the Meadow and Common.

5.2 Budget and policy framework

(a) Description of responsibility

The budget, including decisions to allocate money to services and projects, set up contingency funds, set the Council Tax base, set the Council Tax, control the Council's borrowing requirement, control capital spending, set a limit on the amount that can be transferred between cost centres and agree the treasury management strategy.

The policy framework includes any policies required to be agreed by Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and those that the Council chooses to adopt as part of the policy framework. **The budget and policy framework includes the following:**

- **Corporate Plan**
- **Budget and Medium Term Financial Plan (including the Capital Programme and Housing Revenue Account Business Plan)**
- **Treasury Management Strategy (including the Borrowing Strategy, Investment Strategy and Minimum Revenue Position Statement)**
- **Housing Asset Management Strategy**
- **Allocations Scheme**
- **Tenancy Strategy and Policy Statement**
- **Housing and Homelessness Strategy**
- **Renovation and Disabled Facilities Grants and Loans Policy**
- **Culture Strategy**
- **Community Engagement Plan**
- **Sustainability Strategy**
- **Organisational Change Strategy**
- **Recycling and Waste Strategy**

(b) Who carries out the responsibility?

Council.

5.3 Planning

(a) Description of responsibility

All the responsibilities in Paragraph A and column (1) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), the duty to deal with complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003, the power to preserve trees under the Sections 197 to 214D of

the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the power to authorise the stopping up or diversion of rights of way under Section 257 of the Town and Country Planning Act 1990.

(b) Who carries out the responsibility?

Council will be responsible for:

- Development plan documents
- Making a neighbourhood plan

The following responsibilities are carried out by area planning committees:

- deciding planning applications for more than five residential units or for residential developments on sites with a site area of over 0.25 hectares
- deciding planning applications for non-residential developments on sites over 0.5 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 500 m²
- deciding planning applications by the Council in relation to land in the ownership or control of the Council except where these relate to council housing stock (Regulation 3 approvals) and the application is consequent to a publically available decision or policy
- deciding planning applications made by or on behalf of councillors or officers
- deciding planning applications that would otherwise be decided by officers that have been called in by councillors during the initial 21-day consultation period or during subsequent periods of consultation resulting from a significant change to material planning considerations (see 17.3)
- agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications or applications under condition for phone masts where there are objections (except applications

that can go ahead, unless the Council refuses them within 56 days)

- confirming and revoking tree preservation orders when there are objections
- dealing with complaints about high hedges when the hedge is on the Council's land or land occupied by a councillor or officer or when the complaint has come from a councillor or officer.
- deciding whether to register one or more candidate heritage assets having regard to the Council's adopted criteria

Whether or not any of the preceding applies, determining applications under development order conditions which provide that the relevant development may proceed in the absence of a determination are not carried out by area planning committees and are to be dealt with by the Head of Planning, Sustainable Development and Regulatory Services.

Where a planning application straddles area planning committee boundaries the area planning committee with the majority of the application site will determine the application.

The Planning Review Committee decides planning applications that have been called in by any twelve councillors or the Head of Planning, Sustainable Development and Regulatory Services following consideration by an area planning committee (see 17.3).

The Head of Planning, Sustainable Development and Regulatory Services has responsibility for all other functions within 5.3(a) including but not limited to:-

- (i) deciding applications to renew a planning permission where there has been no change of circumstances;
- (ii) deciding applications for certificates of lawful proposed or existing development including those submitted by councillors or officers as these are legal determinations;
- (iii) authorising the completion of agreements made pursuant to section 106 and 106A of the Town and Country Planning Act 1990 (as amended) and associated legislation as well as Deeds of Variation, Supplementation and Discharge of such agreements; and
- (iv) In relation to appeals against non-determination, formulating the Council's response to the application.

5.4 Licensing of alcohol, entertainment and late night refreshment

- (a) Description of responsibility

All the responsibilities in the Licensing Act 2003

(c) Who carries out the responsibilities?

Council sets policies on licensing.

The Licensing and Gambling Acts Committee:

- reviews and recommends policies on licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints licensing and gambling acts casework sub-committees to:
 - decide whether to give, change to transfer premises licences or club registration certificates when there are objections
 - decide whether to give a temporary premises licence to a replacement licence holder when there are objections
 - review premises licences and club registration certificates after a closure order
 - decide valid applications for a review of a premises licence or club registration certificate
 - deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built or converted
 - decide whether to prevent one-off events when there are objections from the police
 - decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
 - decide applications for personal licences when there are objections from the police
 - decide whether to withdraw a personal licence on hearing of a conviction
 - respond to consultation on an application by another body that gives licences.

The Head of Community Services has responsibility for everything else within the Licensing Act 2003.

5.5 Licensing of gambling

(a) Description of responsibility

All the responsibilities in the Gambling Act 2005.

(b) Who carries out the responsibility?

Council sets policies on licensing.

The Licensing and Gambling Acts Committee:

- Reviews and recommends policies on licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints licensing and gambling acts casework sub-committees to:
 - deal, when there are objections, with premises licence applications, changes and transfers
 - review premises licences
 - deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built, converted or occupied
 - decide whether to prevent temporary events or uses when there are objections
 - deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
 - deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
 - deal with anything else that needs a hearing or that cannot legally be delegated to officers

The Head of Community Services has responsibility for everything else within the Gambling Act 2005.

5.6 Taxi and private hire and other vehicle licensing

(a) Description of responsibility

All the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

(b) Who carries out the responsibilities?

Council sets policies on taxi and private hire and other vehicle licensing.

The General Purposes Licensing Committee:

- reviews and recommends policies on taxi and private hire and other vehicle licensing to Council

- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints a General Purposes Licensing Casework Sub-committee to:
 - deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers
 - decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has a conviction and the Head of Community Services has concerns about the nature of the offence, or the applicant or the vehicle may not be suitable for some other reason.
 - withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

The Head of Community Services has responsibility for everything else including the immediate suspension of taxi and private hire drivers' licences in the interests of public safety.

5.7 Other licensing and registration functions

(a) Description of responsibility

All the responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except taxi and private hire and other vehicle licensing.

(b) Who carries out the responsibility?

Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- reviews and recommends policies on licensing and registration to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- agrees a charity collections scheme
- appoints a General Purposes Licensing Casework Sub-committee to:
 - decide sex establishment licence applications when there are objections
 - decide street trading applications that are for longer than three months

- decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.

The Head of Community Services has responsibility for everything else except those responsibilities relating to street trading. The Head of Planning, Sustainable Development and Regulatory Services is responsible for all of those Council functions relating to street trading.

5.8 Health and safety at work

(a) Description of responsibility

All the responsibilities in Paragraph C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibilities?

Head of Planning, Sustainable Development and Regulatory Services.

5.9 Functions relating to the name and status of areas and individuals

(a) Description of responsibility

All the responsibilities in Paragraph E of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council

5.10 Functions relating to community governance

(a) Description of responsibility

All the responsibilities in Paragraph EB of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Who carries out the responsibility?

Council.

5.11 Byelaws

- (a) Description of responsibility

All the responsibilities in Paragraph F of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- (b) Who carries out the responsibility?

Council.

5.12 Power to promote or oppose local or personal bills

- (a) Description of responsibility

All the responsibilities in Paragraph G of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- (b) Who carries out the responsibility?

Council.

5.13 Pensions

- (a) Description of responsibility

All the responsibilities in Paragraph H of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- (b) Who carries out the responsibility?

The Chief Executive.

5.14 Ban on smoking in public places

- (a) Description of responsibility

All the responsibilities in the Health Act 2006.

- (b) Who carries out the responsibility?

Head of Planning, Sustainable Development and Regulatory Services.

5.15 Other Council responsibilities

| Responsibilities | Legislation | Carried out by |
|---|--|---|
| Power to make standing orders | Local Government Act 1972, Section 106 and paragraph 42 of Schedule 12 | Council |
| Power to make contract rules | Local Government Act 1972, Section 135 | Council |
| Power to appoint staff and to set their terms and conditions (including procedures for dismissing them) | Local Government Act 1972, Section 112 | <p>Subject to the Employment Rules (Part 20) Appointments Committee appoints Executive Directors and Assistant Chief Executives and recommends to Council appointments of the Chief Executive and designation of Head of Paid Service, Chief Finance Officer and Monitoring Officer. The Chief Executive, Assistant Chief Executive or any Directors can appoint Heads of Service. Heads of Service appoint everyone else (except Chief Executive appoints where a contract for personal services is used)</p> <p>Council sets collective terms and conditions, to include the Disciplinary Policy and Procedure, other than pay which is delegated to the Chief Executive to</p> |

| | | |
|--|---|--|
| | | <p>implement in respect of all staff, other than the Chief Executive's own pay and that of any Assistant Chief Executive and Executive Directors, in accordance with national or local pay award/review schemes.</p> <p>Deciding upon the salary of the Chief Executive, Assistant Chief Executives and Executive Directors is the responsibility of the Appointments Committee</p> <p>The Chief Executive, Assistant Chief Executive, Executive Directors and Heads of Service may manage their staff and take any disciplinary action necessary in accordance with the Disciplinary Policy and Procedure subject to the Employment Rules</p> |
| Duty to arrange proper financial administration | Local Government Act 1972, Section 151 | Chief Finance Officer |
| Duty to designate Head of Paid Service and provide resources | Local Government and Housing Act 1989, Section 4(1) | Council (but Appointments Committee makes a recommendation) |
| Duty to designate Monitoring Officer and provide resources | Local Government and Housing Act 1989, Section 5(1) | Council (but Appointments Committee makes a recommendation) |

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|---|---|---|
| Powers relating to scrutiny committees (voting rights of co-opted members) | Local Government Act 2000, paragraph 12 and 14 of Schedule 1 | Council |
| Power to appoint proper officers | Local Government Act 1972, Section 270(3) | Head of Law and Governance |
| Power to issue a closing order to a takeaway food shop | Local Government (Miscellaneous Provisions) Act 1989, Section 4 | Head of Planning, Sustainable Development and Regulatory Services |
| Powers to protect important hedgerows | The Hedgerows Regulations 1997 | Head of Planning, Sustainable Development and Regulatory Services |
| Power to apply for an enforcement order against unlawful works on common land | Commons Act 2006, Section 4 | Head of Planning, Sustainable Development and Regulatory Services |
| Power to protect unclaimed register to common land and unclaimed town or village greens against unlawful interference | Commons Act 2006, Section 45(2)(a) | Head of Planning, Sustainable Development and Regulatory Services |
| Power to institute proceedings for offences in support of unclaimed registered common land and unclaimed town or village greens | Commons Act 2006, Section 45 (2)(b) | Head of Planning, Sustainable Development and Regulatory Services |
| Duty to provide resources to a person named by the Monitoring Officer | Local Government Act 2000, Sections 82A (4) and (5) | Council |
| Power to provide compensation when there has been maladministration | Local Government Act 2000, Section 92 | Chief Executive |
| Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking | Criminal Justice and Police Act 2001, Section 13(2) | Council |

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|--|--|--------------------------------|
| Duty to appoint an electoral registration officer | Representation of the People Act 1983, Section 8(2) | Council |
| Power to provide the officers the electoral registration officer needs | Representation of the People Act 1983, Section 52(4) | Electoral Registration Officer |
| Parish and parish council responsibilities | Local Government and Rating Act 1997, Part II | Electoral Registration Officer |
| Power to dissolve small parish councils | Local Government Act 1972, Section 10 | Council |
| Power to make orders for grouping parishes, dissolving groups or separating parishes from groups | Local Government Act 1972, Section 11 | Council |
| Duty to appoint Returning Officer for local government elections | Representation of the People Act 1983, Section 35 | Council |
| Duty to help in European parliamentary elections | European Parliamentary Elections Act 1978, Paragraph 4(3) and 4(4) of Schedule 1 | Returning Officer |
| Duty to divide constituency into polling districts | Representation of the People Act 1983, Section 18 | Council |
| Power to divide electoral divisions into polling districts at local government elections | Representation of the People Act 1983, Section 31 | Council |
| Powers to do with holding elections | Representation of the People Act 1983, Section 39(4) | Returning officer |
| Power to pay electoral registration officer's expenses | Representation of the People Act 1983, Section 54 | Council |
| Power to fill empty seats on parish councils when there are not enough nominations | Representation of the People Act 1983, Section 21 | Returning Officer |
| Duty to declare vacancy in office | Local Government Act 1972, Sections 86 | Returning Officer |
| Duty to give notice of a casual vacancy | Local Government Act 1972, Section 87 | Returning Officer |
| Power to make | Local Government | Returning Officer |

| | | |
|---|---|---------|
| temporary appointments to parish Councils | Act 1972, Section 91 | |
| Power to make proposals for pilot schemes for local elections | Representation of the People Act 2000, Section 10 | Council |
| Duty to consult on change of scheme for elections | Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2) | Council |
| Duties relating to certain publicity in relation to electoral matters | Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52 | Council |
| Duties relating to notice to Electoral Commission | Local Government and Public Involvement in Health Act 2007, Section 53 | Council |
| Functions relating to change of name of an electoral area | Local Government and Public Involvement in Health Act 2007, Section 59 | Council |
| Power to alter years of ordinary elections of parish councillors | Local Government and Public Involvement in Health Act 2007, Section 53 | Council |

6. ROLE OF CITY EXECUTIVE BOARD MEMBERS

- 6.1 Role of all City Executive Board members
- 6.2 Principal areas of political responsibility of individual City Executive Board members
- 6.3 Other areas of responsibility
- 6.4 Role of individual City Executive Board members

6.1 Role of all City Executive Board members

Some decisions must be agreed by the City Executive Board under this Constitution – See 4.5. These will be taken collectively by all City Executive Board members.

6.2 Principal areas of political responsibility of individual City Executive Board members

Individual areas of political responsibility are decided by the Leader and may be changed by the Leader. At the moment they are:

- (a) Leader of the Council
 - Economic Development and Partnerships
- (b) Deputy Leader of the Council (statutory)
 - Leisure and Housing (Tackling Homelessness and Improving the Private Rented Sector)
- (c) Deputy Leader of the Council (non-statutory)
 - Finance and Asset Management
- (d) Safer, Greener, Oxford
- (e) Customer Focused Services
- (f) Housing (Building Better Homes)
- (g) Supporting Local Communities
- (h) Planning and Transport
- (i) Healthy Oxford

- (j) Culture and City Centre

6.3 Other areas of responsibility

Areas of political responsibility that are not allocated to a City Executive Board member in 6.2 may be allocated to a City Executive Board member by the Leader.

6.4 Role of individual City Executive Board members

For their areas of political responsibility, individual City Executive Board members will:

- (a) Provide political leadership and accountability – this will include representing the Council on **certain outside organisations and partnership bodies linked to their executive portfolio responsibilities**
- (b) Develop and oversee the Council's work – this will include:
 - advising the City Executive Board and officers on priorities
 - advising the City Executive Board and officers on service specification
 - advising the directors and heads of service on business and service plans
 - advising on bids for government and other funding
 - advising project and programme boards