

## 7. ROLES OF DECISION TAKING COMMITTEES

- 7.1 Area planning committees
- 7.2 Planning Review Committee
- 7.3 Licensing and Gambling Acts Committee
- 7.4 General Purposes Licensing Committee
- 7.5 Audit and Governance Committee
- 7.6 Investigation and Disciplinary Committee
- 7.7 Independent Persons Panel
- 7.8 Appointments Committee
- 7.9 Standards Committee

### 7.1 Area planning committees

The area planning committees carry out the responsibilities delegated to them in 5.3

### 7.2 Planning Review Committee

The Planning Review Committee carries out the responsibilities for called in planning applications delegated to it in 5.3.

### 7.3 Licensing and Gambling Acts Committee

The Licensing and Gambling Acts Committee carries out the responsibilities delegated to it in 5.4 and 5.5. It delegates some responsibilities to the Licensing and Gambling Acts Casework Sub-Committee.

### 7.4 General Purposes Licensing Committee

The General Purposes Licensing Committee carries out the responsibilities delegated to it in 5.6 and 5.7. It delegates some responsibilities to the General Purposes Licensing Casework Sub-Committee.

### 7.5 Audit and Governance Committee

The Audit and Governance Committee is responsible for setting the Council Tax base and for:

- (a) Internal control and risk management

Reviewing internal control and risk management, particularly:

- the way the Council identifies and deals with key risks

- policies for making sure the Council follows regulatory guidance
- the way the Council's strategies, policies, processes and procedures are working in respect of anti-fraud and corruption and money- laundering
- the statement on internal control to be included in the internal auditor's annual report and all risk and control related disclosure statements before they go to Council.

(b) Audit and risk

- reviewing the internal audit programme
- considering the main findings of internal audit investigations and the management's response
- ensuring co-ordination between internal and external auditors
- ensuring the Council allocates enough resources to audit and risk and takes audit and risk sufficiently seriously

(c) External audit

- considering the choice of auditor and the auditor's fees
- discussing the terms of reference of audits before they happen
- making sure that all external audits and inspections are co-ordinated
- reviewing external audit reports, including value for money reports and annual audit letters, along with the management response.

(d) Statement of accounts

Considering and approving the annual statement of accounts, focusing on:

- whether the Council's accounting policies and practices are up-to-date
- areas where serious criticisms and important adjustments resulted from the audit.

## **7.6 Investigation and Disciplinary Committee**

- (a) Considering disciplinary issues/allegations involving the Head of Paid Service (Chief Executive), Assistant Chief Executives, Executive Directors, section 151 officer (Head of Financial Services) and Monitoring Officer (Head of Law and Governance) and to authorise initial investigation.
- (b) Dealing with disciplinary issues where the Chief Executive reasonably believes that they are conflicted from dealing with the matter.
- (c) Members will be appointed to the committee under the normal process for making appointments to committees and convened as required. The Committee will be politically balanced and consist of four Members of Council and at least one member of the Committee shall be a member of the City Executive Board. Members of the Committee must have completed mandatory training.
- (d) Meetings will be convened by the Committee and Member Services Manager in accordance with the Model Disciplinary Procedure contained in the JNC Handbook for Chief Executives. In consultation with chair of the committee allegations which are clearly unfounded, trivial or can best be dealt with under some other procedure will be filtered out
- (e) Unless they are unavoidably indisposed or conflicted the same members shall comprise the committee over the course of the full consideration of a matter (or any related matter) for which it was convened, until it is fully disposed of.
- (f) Whenever a statutory officer (Head of Paid Service, Monitoring Officer or Chief Finance Officer) is the subject of a disciplinary issue the Committee must consider whether it is necessary for an Independent Persons Panel to be established and follow the procedure set out in 20.8 and 20.9:
- To appoint an Independent Investigator (“II”) to investigate allegations of misconduct against any Statutory Officer and to commission reports from an II.
  - To determine appropriate action upon receipt of any preliminary investigation.
  - To decide whether to suspend a Statutory Officer and to review decisions taken to suspend a Statutory Officer.
  - To determine what action should be taken against a Statutory Officer following an investigation. This could include action short of dismissal or dismissal.

- In the event that the Committee recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to Council for a determination in accordance with the Employment Rules.

## **7.7 Independent Persons Panel**

To advise the Council on matters relating to the dismissal of a Statutory Officer. The advice of the Independent Persons Panel must be sought in accordance with the Employment Rules where the Committee proposes to recommend the dismissal of a Statutory Officer.

The advice of the Independent Persons Panel may (but need not) be sought by the Investigation and Disciplinary Committee at any other point in an investigation of disciplinary process.

For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice.

The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Statutory Officers in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.

The Panel must be convened having invited at least two of the Independent Persons appointed under section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

It shall be for the Monitoring Officer to invite the Council's current Independent Persons (being those persons appointed to advise on Member conduct complaints under the Localism Act 2011) and if necessary one or more of the Independent Persons of neighbouring authorities (following consultation with the Monitoring Officers of those authorities), to be considered for appointment to the Independent Persons Panel. It shall be for the Investigation and Disciplinary Committee to confirm appointments to the Independent Persons Panel.

The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:

- (i) an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area

- (ii) any other Independent Person who has been appointed by the authority
- (iii) an Independent Person who has been appointed by another authority or authorities.

## **7.8 Appointments Committee**

- (a) To undertake the recruitment and selection process with regard to the designated Head of Paid Service, Monitoring Officer (Head of Law and Governance) and Head of Financial Services (section 151 officer)
- (b) Recommending to Council who to appoint to the position of Chief Executive
- (b) Recommending Council to approve the proposed appointment before an offer of appointment is made to the Head of Paid Service and who to designate as the Chief Finance Officer or Monitoring Officer
- (c) Appointing Assistant Chief Executives and Executive Directors
- (c) Deciding upon the salaries of the Chief Executive, Assistant Chief Executives and Executive Directors.

## **7.9 Standards Committee**

- (a) Considering complaints of breaches of the Members' Code of Conduct (Section 22)
- (b) Making recommendations to Council on the adoption or revision of the Members' Code of Conduct
- (c) Making recommendations to Council on complaints handling arrangements in respect of breaches of the Members' Code of Conduct
- (d) Considering requests from councillors for and granting dispensation under section 33 of the Localism Act 2011 from being precluded from participation in a meeting. The Monitoring Officer can grant individual dispensations to councillors
- (e) To receive reports from and advise the Monitoring Officer on training for members on ethical issues

## **8. ROLE OF THE SCRUTINY COMMITTEE**

### **8.1 Areas of work of the Scrutiny Committee**

### **8.2 What powers does the Scrutiny Committee have?**

### **8.3 Roles of the Scrutiny Committee**

### **8.1 Areas of work of the Scrutiny Committee**

Council has appointed one Scrutiny Committee

### **8.2 What powers does the Scrutiny Committee have?**

The Scrutiny Committee can:

- Send reports and recommendations to the City Executive Board or Council on anything the Council is responsible for or anything that affects the city or its people
- Consider decisions that have been called in and ask for them to be looked at again – see 17.1
- Monitor the Forward Plan and call for reports on items that are coming up
- Require senior officers (see 9.1), and City Executive Board members to attend meetings and answer questions (see 13)
- Hold public inquiries
- Invite people to meetings and gather evidence from them
- Establish standing and ad hoc panels **and review groups** to do work and make recommendations

### **8.3 Roles of the Scrutiny Committee**

#### **(a) Developing and reviewing policy**

The Scrutiny Committee can:

- Help Council and the City Executive Board to develop policy by studying issues in detail
- Carry out research and consultation on policy

- Consider and introduce schemes to involve the public in developing policy
- Work with national, regional and local organisations to promote the interest of local people.

(b) Holding the executive to account

The Scrutiny Committee can:

- Review the performance and decisions of the City Executive Board, and Council officers (but not decisions on individual planning or licensing applications)
- Review the Council's progress in achieving its policy aims and performance targets
- Review the performance of individual services
- Review executive decisions in respect of any companies wholly or partly owned by the Council and hold the shareholder to account for the performance of those companies. Decisions of Council owned companies do not fall within the remit of the Scrutiny Committee.
- Ask City Executive Board members, and senior officers (see 9.1) questions about their decisions and performance – these may be questions about general performance or about particular decisions and projects.

(c) Managing the budgets for scrutiny

The Scrutiny Committee is responsible for any budgets it is given.

(d) Holding others to account

The Scrutiny Committee can hold other public service providers to account.

## **9. ROLES OF OFFICERS**

- 9.1 Senior management structure**
- 9.2 Head of Paid Service, Monitoring Officer and Chief Finance Officer**
- 9.3 Role of Head of Paid Service**
- 9.4 Role of Monitoring Officer**
- 9.5 Monitoring Officer's right to information**
- 9.6 Role of Chief Finance Officer**
- 9.7 Duty to give Monitoring and Chief Finance Officers the resources they need**
- 9.8 Duty to tell Monitoring and Chief Finance Officers about procedural, constitutional or vires issues**
- 9.9 Restrictions on holding other posts**

### **9.1 Senior management structure**

The responsibilities of all senior managers are shown in the senior management structure that appears later in this section.

### **9.2 Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer are the statutory officers of the Council. The Chief Executive is the Head of Paid Service; The Head of Law and Governance is the Monitoring Officer; and the Head of Financial Services is the Chief Finance Officer.

### **9.3 Role of Head of Paid Service**

- (a) The Head of Paid Service may amend the senior management structure of the Council to deliver the Council's objectives in the most effective and efficient manner, subject to the following conditions:

That the Chief Executive shall consult with all political group leaders prior to the implementation of any changes;

That no change may be implemented which results in an increase in the overall number of senior management posts or an increase in the overall salary costs of senior management

That the Chief Executive will maintain on the Council's website an up to date senior management structure chart showing post titles and the broad functional responsibilities of each post



The references to the senior management structure throughout the Constitution shall be a reference to the structure chart published by the Chief Executive under (iii) above.

- (b) The Head of Paid Service is authorised to take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation. The Head of Paid Service can also take any 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.

- (c) The Head of Paid Service may discharge executive functions where there is no lead officer after consultation with the Leader or Deputy Leader of each political group
- (d) The Head of the Paid Service must approve any staffing change which could give rise to a severance payment, early retirement, redundancy or a pay re-grading for an officer.
- (e) The Head of Paid Service must approve any contracts other than a contract of employment when an officer is appointed.

#### **9.4 Role of Monitoring Officer**

- (a) Making sure Council decisions are lawful and fair

If a proposal or decision would result in unlawful action or maladministration, the Monitoring Officer will consult the Head of Paid Service and Chief Finance Officer and report to Council (or the City Executive Board for an executive responsibility).

The proposal or decision will not be acted on until the report has been considered.

If another body is also investigating a proposal or decision that could result in unlawful action or maladministration, the Monitoring Officer can delay reporting to Council or the City Executive Board until that body has investigated.

- (b) Leading on ethical issues

The Monitoring Officer will support the Standards Committee. This will include advising the Standards Committee on the need for training for councillors on ethical issues.

The Monitoring Officer will meet regularly with the Head of Paid Service and the Chief Finance Officer to consider issues of governance and probity and will facilitate periodic meetings between the Chair of the Standards Committee, the Leader and the Head of Paid Service.

(c) Carrying out investigations

The Monitoring Officer may investigate

- issues of governance and maladministration
- complaints of breaches of the code of conduct for members
- questions about the Council's power to act.

(d) Being proper officer for access to information

The Monitoring Officer will be the proper officer for access to information. This will include making sure that the Council publishes Council, City Executive Board, committee, and officer decisions as soon as possible, along with the reasons for the decisions and the officer reports

(e) Giving advice

The Monitoring Officer will advise on the Council's powers to take decisions, maladministration, ethics and governance and the budget and policy framework.

(f) Liaising within and outside the Council

The Monitoring Officer will:

- Be a member of all management boards
- Keep close links with the Lord Mayor, the Leader, the Chair of the Standards Committee, the Head of Paid Service and the Chief Finance Officer
- Appoint a deputy and keep them briefed
- Keep in contact with the clerks of any parish councils in Oxford, the Council's auditors and the ombudsman and may give them relevant information even if it is confidential.

(g) Dispensations under the Localism Act 2011

The Monitoring Officer will consider applications for and grant dispensations to individual members under section 33 of the Localism Act 2011 to allow them to take part in a meeting from which they would otherwise be precluded

## **9.5 Monitoring Officer's right to information**

### **(a) Information for investigations**

In any investigation the Monitoring Officer will have unqualified access to information from the Council and its officers.

### **(b) Reports to councillors**

The Monitoring Officer has the right to see all reports to councillors.

### **(c) Barristers' opinions**

The Monitoring Officer will have an adequate budget for getting barristers' opinions.

## **9.6 Role of Chief Finance Officer**

### **(a) Making sure decisions are lawful and financially sensible**

If a proposal or decision would result in unlawful spending or a loss to the Council, or if the Council is about to enter an unlawful item of account, the Chief Finance Officer will consult the Head of Paid Service and the Monitoring Officer and report to the Council's auditors and to Council (or the City Executive Board if it is an executive responsibility).

### **(b) Managing the Council's finances**

The Chief Finance Officer will manage the Council's finances.

### **(c) Contributing to the management of the Council as a whole**

The Chief Finance Officer will contribute to the management of the Council as a whole, especially by giving financial advice. The Chief Finance Officer will be a member of all management boards and has the right to see all reports to councillors.

### **(d) Giving advice**

The Chief Finance Officer will advise on maladministration, probity, financial impropriety and the budget and policy framework.

### **(e) Giving financial information**

The Chief Finance Officer will make information about the Council's finances available to the media and the public.

**9.7 Duty to give Monitoring and Chief Finance Officers the resources they need**

The Council will give the Monitoring Officer and Chief Finance Officer the accommodation, officers and resources they believe they need to do their jobs. The Monitoring Officer and Chief Finance Officer will report to Council when necessary on the accommodation, officers and resources they need.

**9.8 Duty to tell Monitoring and Chief Finance Officers about procedural, constitutional or vires issues**

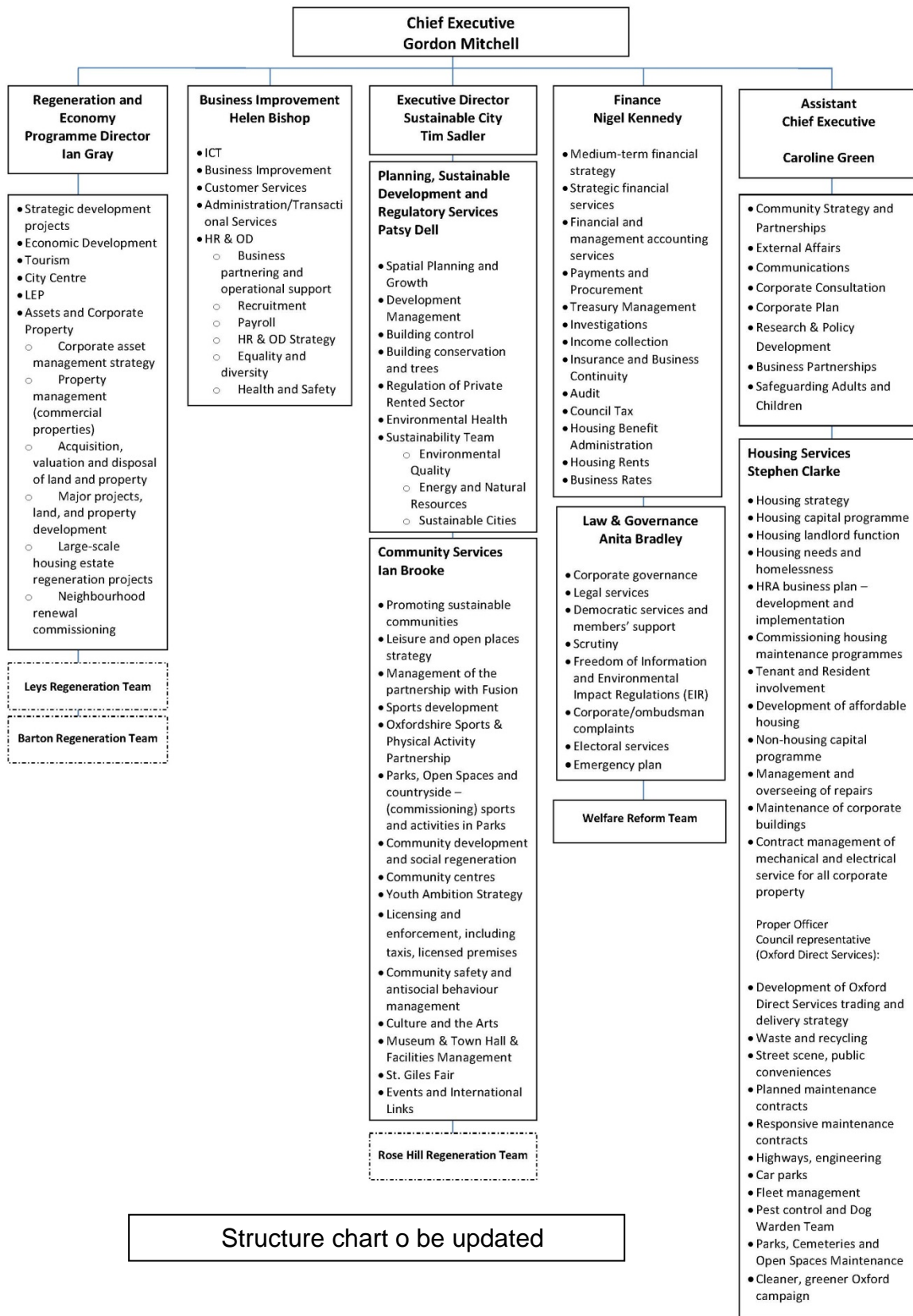
Directors and heads of service must alert the Monitoring Officer and Chief Finance Officer to issues of concern as soon as they come up. These will include legality, probity, vires and constitutional issues.

If the finance or contract rules have been broken, or if decisions have been taken by people who are not allowed to take them, the Monitoring Officer and Chief Finance Officer must be told in writing.

**9.9 Restrictions on holding other posts**

The Monitoring Officer cannot be the same person as the Chief Finance Officer or Head of Paid Service.

The Head of Paid Service and the Chief Finance Officer can be the same person but the Chief Finance Officer must be a qualified accountant.



Structure chart o be updated

## 10. PROPER OFFICERS

- 10.1 Appointment of proper officer
- 10.2 Responsibilities and proper officers

### 10.1 Appointment of proper officer

Proper officers are designated by Council for the functions listed below as required by various statutory provisions.

### 10.2 Responsibilities and proper officers

“Proper Officer” means the officer designated below by the Council for the purpose of this Scheme or in the absence of such designation, the Chief Executive.

Legislation		Responsibility	Proper officer
Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of Planning, Sustainable Development and Regulatory Services
Public Health Act 1961	Section 37	Controlling verminous things	Head of Planning, Sustainable Development and Regulatory Services
Local Government Act 1972	Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive
	Section 84(1)	Receiving a Councillor's resignation	Chief Executive
	Section 88(2)	Calling a Council meeting to elect a chair if there is a casual vacancy	Chief Executive
	Section 89(1)	Receipt of notice of a casual vacancy	Chief Executive

Section 100 except 100D	Access to meetings and documents	Head of Law and Governance
Section 100D	Listing background papers for reports and making copies available	Each Head of Service for their service area reports
Part VA	Access to information	Head of Law and Governance
Section 115(2)	Receiving money due from officers	Head of Financial Services
Section 146(1) (a) and (b)	Making declarations and certificates about transferring securities on alteration of area	Head of Financial Services
Section 173-178	Keeping records of councillors' allowances	Head of Law and Governance
Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Head of Law and Governance
Section 214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive right of burial and sign the necessary certificate	Cemeteries Manager
Section 223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of Law and Governance
Section 225	Deposit of documents	Head of Law and Governance
Section 228	Inspection of documents	Head of Law and Governance
Section 228(3)	Making accounts available for Councillors to look at	Head of Financial Services
Section	Certifying photocopies	Head of Law and

	229(5)	of documents	Governance
	Section 234	Signing notices, orders and other documents which the Council is required or authorised to issue by or under any enactment	All Heads of Service. The Head of Housing will be the Proper Officer, as Council Representative (Oxford Direct Services), for all Council functions carried out by Oxford Direct Services Ltd
	Section 236(9) and (10)	Sending copies of byelaws to parish Councils, parish meetings and the county Council	Head of Law and Governance
	Section 238	Certification of byelaws	Head of Law and Governance
	Section 248	Keeping a list of freemen/freewomen of the city	Head of Law and Governance
	Schedule 12, Para 4(1A)(b)	Authenticating a summons to attend a meeting	Head of Law and Governance
	Schedule 12, Para 4(2)(b)	Signing the summons to full Council	Chief Executive
	Schedule 12 Para 4(3)	Receipt of notification of address to send summonses to full Council meetings	Head of Law and Governance
	Schedule 14 Para 25	Certifying resolutions passed under this Paragraph	Head of Law and Governance
Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report are available	Chief Executive



Local Government (Miscellaneous Provisions) Act 1976	Section 41	Certifying copies of resolutions and minutes and copy instruments appointing officers to perform certain functions	Head of Law and Governance
Local Authorities Cemeteries Order 1977	Article 10	Signing exclusive burial rights	Cemeteries Manager
Highways Act 1980		Signing notices, orders and other documents which the Council is required or authorised to issue in relation to all work contracted out to Oxford Direct Services Limited	Head of Housing as Council Representative (Oxford Direct Services)
Representation of the People Act 1983	Section 28	Acting Returning Officer at Parliamentary Elections	Returning Officer appointed by the Council (currently Head of Law and Governance 2/10/17)
	Section 67	Receipt of appointment and publication of names and addresses of election agents	Returning Officer
	Section 81	Receipt of return of election expenses	Returning Officer
	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Returning Officer
	Section 131	Providing accommodation for holding election count	Returning Officer
County Courts Act 1984	Section 60(2)	Rights of audience in the County Court before district judge	Head of Law and Governance

Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 18	Getting information about cases of notifiable disease or food poisoning	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 20	Stopping of work to prevent disease spreading	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 21	Excluding children from school if they are likely to carry a notifiable disease	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
	Section 22	Asking for the names and addresses of pupils at a school or department of a school	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England

			South East region
	Section 32	Certifying the need to remove someone from an infected house	Head of Planning, Sustainable Development and Regulatory Services
	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	The Consultants in Communicable Disease Control (CCDC) and Consultants in Health Protection (CHP) employed within the Public Health England South East region
Local Government and Housing Act 1989	Section 2(4)	Keeping the list of politically restricted posts	Chief Executive
	Section 15-17	Allocating seats on committees	Head of Law and Governance
	Section 18	Arrangements in respect of the scheme of members' allowances	Head of Law and Governance
Local Government (Committees and Political Groups) Regulations 1990	All sections	Dealing with membership of political groups, political balance on committees and nominations by political groups	Head of Law and Governance
Local Government Act 2000	Chapter 4	Dealing with changing governance arrangements	Head of Law and Governance
	Section 99 and 100	Regarding councillors' allowances and having regard to all relevant regulations, including The Local Authorities (Members' Allowances)(England) Regulations 2003	Head of Law and Governance

Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissals of officers to the City Executive Board in accordance with the Regulations	Head of Business Improvement
	Schedule 3	Provisions relating to disciplinary action	Head of Business Improvement
Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012	Regulation 3	Recording of executive decisions made at meetings	
	Regulation 4	Admission of public to meetings of the executive	Head of Law and Governance
	Regulation 5	Procedures prior to private meetings of the executive	Head of Law and Governance
	Regulation 6	Procedures prior to public meetings of the executive	Head of Law and Governance
	Regulation 7	Access to agenda and connected reports for public meetings of the executive	Head of Law and Governance
	Regulations 9-11	Publicity and procedure in connection with key decisions	Head of Law and Governance
	Regulation 12	Recording of executive decisions made at meetings	Head of Law and Governance
	Regulation 13	Recording of executive decisions made by individuals	Head of Law and Governance
	Regulation 14	Inspection of documents following executive decisions	Head of Law and Governance
	Regulation	Inspection of	Each Head of

15	Background Papers	Service for their service area reports
Regulation 16	Exemptions from rights of access to certain documents	Head of Law and Governance
Regulation 20	Confidential information , exempt information and advice of a political adviser or assistant	

Legislation in these tables includes any amendments, re-enactments and subordinate legislation

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