

Council

Supplementary Papers

Date: **Monday 25 November 2024**
Time: **5.00 pm**
Place: **Council Chamber - Oxford Town Hall**

The Council agenda, reports, this briefing note, and any other supplementary papers should be considered together.

This supplementary agenda forms part of the papers to be considered at the Council meeting.

All papers for this meeting can be accessed through the council's website.

For further information please contact:

Jonathan Malton, Committee and Member Services Manager, 01865
529117  democraticservices@oxford.gov.uk

*View or subscribe to updates for agendas, reports and minutes at
mycouncil.oxford.gov.uk.*

All public papers are available from the calendar link to this meeting once published

Briefing note

Information for councillors and additional papers to be considered.

	Pages
10 Urgent Key Decisions Taken Since July 2023	5 - 8
<p>The Head of Law and Governance has submitted a report which updates Council on key decisions taken in cases of special urgency since July 2023.</p> <p>Recommendation: That Council resolves to:</p> <ol style="list-style-type: none">1. Note the urgent key decision taken in cases of special urgency as set out in the report	
12 Updates to Constitution	9 - 38
<p>The Head of Law and Governance (Monitoring Officer) has submitted a report which seeks Council's agreement to amend the Constitution to reflect changes to the Contract Rules.</p> <p>Recommendation: Council is recommended to:</p> <ol style="list-style-type: none">1. To approve the amendments to<ol style="list-style-type: none">a. The Contract Rules as attached at Appendix Oneb. Part 4.4 (Publication of Officer Decisions) as set out at paragraph 10;c. Part 15.4 (Key Decisions) as set out at paragraph 16;d. Part 4.5 (Decisions that must be agreed by Cabinet) as set out at paragraph 17;e. The Financial Rules as set out at paragraph 18.2. To delegate authority to the Monitoring Officer to make any other consequential amendments to the Constitution to reflect the above changes to the extent that they have not been identified in the above, provided such changes are purely required as a direct consequence.	
16 Petition submitted in accordance with Council procedure rules - Establish a Children's Playground in Oxford City Centre	39 - 44
<p>The petition organiser may address Council upon the petition for up to 5 minutes at the start of this item.</p>	

Council is asked to consider a petition meeting the criteria for debate under the Council's petitions scheme.

The full text of the petition is contained in the accompanying report.

If a Member wishes to put a substantive motion/recommendation on a petition they must submit this by 10am on the working day before the full Council meeting (Friday 22 November 2024). These are then published in the Council briefing note. Any amendments to these must be submitted by 11am on the day of the meeting (Monday 25 November 2024).

If no substantive motion is agreed, Council is asked to note the petition.

This briefing note is published as a supplement to the agenda and should be considered along with the agenda; reports; and other supplementary papers.

To: Council
Date: 25 November 2024
Report of: Head of Law and Governance
Title of Report: Urgent Key Decisions

Summary and recommendations	
Purpose of report:	To update Council on key decisions taken in cases of special urgency since 17 July 2023.
Lead Member:	Councillor Susan Brown, Leader of the Council
Recommendation(s): Council is recommended to:	
1. Note the urgent key decisions taken in cases of special urgency as set out in the report.	

Appendices
None

Introduction and background

1. The Leader of the Council is required by regulations to report to Council at least annually on executive decisions taken under special urgency procedures. Special urgency rules apply to key decisions that have not been notified on the Forward Plan for at least 5 clear days. Such decisions can only be taken where the Chair of the Scrutiny Committee (or if there is no chair the Lord Mayor) agrees that the making of the decision is urgent and cannot reasonably be deferred. This report updates Council on executive decisions taken in cases of special urgency since 17 July 2023.

Decisions taken in cases of special urgency

2. The following executive decisions were taken in cases of special urgency during the period since the previous report to Council on 17 July 2023.

ITEM 1	Approval of the Council into a JCT with Serco Operations Limited to deliver works required on the Leisure Portfolio.
	<ul style="list-style-type: none"> • Approve entering into the JCT contract with Serco Operations Limited to enable the works to be delivered as required under the Leisure Operator Contract, the JCT is attached as Exempt Appendix 1 – form of JCT Contract • Approve the spend of £1,373,308 under the JCT contract.
Date of decision:	30 October 2024
Decision taker	Councillor Chewe Munkonge, Cabinet Member for a Health Oxford
Was the decision taken under emergency or urgency rules?	<p>Constitution 15.17</p> <p><i>If a key decision has not been included in the Forward Plan for 28 days, it can still be taken in exceptional circumstances if it is not practicable to put it in the plan and wait 28 days before the decision is taken.</i></p> <p><i>Before taking a key decision that has not been included in the Forward Plan, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.</i></p> <p><i>The decision cannot normally be taken until five clear working days after the chair is told.</i></p> <p><i>Where it is not reasonable or practicable to wait until five clear working days have elapsed to take the decision, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or the Lord Mayor where there is no chair) to obtain agreement that the making of the decision is urgent and cannot reasonably be deferred. As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days' notice has not been given.</i></p> <p><i>At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17 (Urgent key decisions).</i></p>
Reasons for decision	<p>During the contract process for the new Leisure Operator Contract the Council included the provision for the Council to require the Leisure Operator to undertake dilapidation works that the Council would fund. This requires the parties to enter into a JCT contract but this was not appended to in the contract and decision arrangements. As such there is a need to contract under the JCT to enable the works and the payment for the works. Entering this JCT is required to allow the Council and the Leisure Operator to fulfil their</p>

	obligations under the Leisure Operator Contract.
Alternative options considered:	None
Wards significantly affected	None

Financial issues

3. There are no financial issues arising directly from this report.

Legal issues

4. Regulation 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the executive Leader submits a report to the authority at least annually on executive decisions taken in cases of special urgency (Regulation 11), including the particulars of each decision.

Report author	Jonathan Malton
Job title	Committee and Member Services Manager
Service area or department	Law and Governance
Telephone	01865 602767
e-mail	jmalton@oxford.gov.uk

Background Papers: None

This page is intentionally left blank



To: Council
Date: 25 November 2024
Report of: Monitoring Officer (Head of Law & Governance)
Title of Report: Constitutional Amendments – updated Contract Rules

Summary and recommendations	
Purpose of report:	To seek approval to the updated Contract Rules and other changes consequential to them.
Key decision:	No
Cabinet Member with responsibility:	Cllr Susan Brown, Leader of the Council
Corporate Priority:	A Well Run Council.
Policy Framework:	None.
Recommendation(s): That the Committee resolves to:	
<p>1. To approve the amendments to</p> <ul style="list-style-type: none"> a) The Contract Rules as attached at Appendix One b) Part 4.4 (Publication of Officer Decisions) as set out at paragraph 10; c) Part 15.4 (Key Decisions) as set out at paragraph 16; d) Part 4.5 (Decisions that must be agreed by Cabinet) as set out at paragraph 17; e) The Financial Rules as set out at paragraph 18. <p>2. To delegate authority to the Monitoring Officer to make any other consequential amendments to the Constitution to reflect the above changes to the extent that they have not been identified in the above, provided such changes are purely required as a direct consequence</p>	

Appendices	
Appendix 1	Contract Rules (amended)

Introduction and background

1. The Procurement Act 2023, though delayed from October 2024, is due to be implemented by the Government in February 2024. Therefore, there are a number of changes that need to be made to the Contract Rules to accommodate the

legislative changes and also ensure that the Contract Rules are adaptable as procurement guidance and secondary legislation is brought forward.

2. In undertaking a review of the Contract rules consequential changes to other parts of the Constitution have been identified to ensure consistency and reduce the desperate decision-making thresholds for connected but independent matters e.g. approvals under the Financial Rules.
3. In undertaking the review, it has also been identified there are some connected provisions which either need to be amended for clarity (the Key Decision definition) or to reflect the proper legislative requirements (publication of officer decisions).
4. The full constitutional review is ongoing with Member working groups planned for the new year prior to it being brought to Council. However with the impending commencement of the Procurement Act these operational changes have been brought forward independently.

Amendments to the Contract Rules

5. The contract rules have been amended in anticipation of changes coming with the Procurement Act and to streamline and simplify.
6. The changes are so wide ranging that tracked changes cannot be provided. The version attached at Appendix One is the version Council are being asked to adopt. The current version can be found at Part 19 of the Constitution.
7. The following are the main changes and points to note:
 - a. References concerning property transactions & grants (incoming and outgoing) have been removed. The vast majority of the Contract Rules do not relate to these transactions. With the Constitutional review in the New Year the proposal is to introduce their own rules. The provisions deleted from the Contract Rules remain elsewhere in the Constitution e.g. who has authority for what transactions.
 - b. The table at 19.2 now exempts from the rules specifically several services to be procured. This reflects the legal position in terms of them being exempt from the provisions in the Procurement Act 2023. For example, representation by a lawyer is now exempted from the need to procure in line with the law to enable swift appointment in litigation matters. The rules on thresholds for approval will continue to apply, but they will not be subject to e.g. a full tender process where time is of the essence.
 - c. A list of steps needed before entering in to a contract are set out at 19.6
 - d. At paragraph 19.10 - Formation of contracts – we have simplified the requirements.
 - e. At Paragraph 19.12 – Teckal – the requirement to have approval of the Director for not using a teckal has been removed. It has also been set out clearly what rules in the Contract Rules still apply to the letting of contracts to a Teckal. This removes the issue for the HRA and grant funded projects where there are legal requirements around demonstrating compliance with public procurement, value for money and housing legislation.
 - f. A Waiver process has been introduced as there are exemptions being required where the procurement rules have been followed bar something small. For example if it is a framework agreement and we cannot seal it, it

has necessitated an Exemption from all the rules. A waiver will just allow some rules (not the need to procure) to be waived.

- g. Over all the thresholds have been changed so e.g. the table in 19.13. The use of one quote have increased from £10k to £29,999.99, the threshold for cabinet is now defined as key decision (to match the articles). In some cases the term “FTS” has been used, which means the threshold as published from time to time relating to when the Act applies. We have avoided uses of numbers so there is not a need to update them year on year.
- h. The tender processes have been removed in detail as Procurement will lead and advise.
- i. Areas will now be responsible for storage and retention of all contracts up to £30k, Procurement will be responsible for the remainder.

Section 4.4 – publication of officer decisions

- 8. This is proposed to streamline what is published and ensure we are in line with the legislative requirements. These are as follows:

Under the 2014 Regulations, a similar “written record” must be produced of any non-executive decision taken by an officer under delegated powers, provided that the decision is taken:

- Under a specific delegation contained in a council or committee resolution; or

Under a general delegation (usually the Scheme of Delegation in the Constitution) where the effect of the decision is to grant a permission or licence, affects the rights of an individual or award a contract or incur expenditure which materially affects the authority's financial position.

- 9. It is open to interpretation as to what will be material in terms of the a contract and its impact on finances. Many Councils have taken the view this is those that are already reserved to Cabinet (assuming materiality therefore is reserved for political decision making). As such the proposal is to amend to where it is delegated via a specific decision to award a contract, which will be all contracts over the key decision threshold.
- 10. The following tracked amendments are proposed:

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 £1,000,000 when the Council is the buyer~~ where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
- Acquiring or disposing of freeholds or leaseholds, ~~granting new leaseholds (excluding assignments and rent reviews) where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value) where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value) 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
- where the effect of a decision is to grant a licence or permission or it affects the rights of citizens
- Discharging any other express delegation from Cabinet or a Cabinet Member a committee or Council where there is an element of discretion to be exercised by the officer.

Part 15.4 - Key Decisions

11. Key decisions are executive decisions are those which are likely to result in spending or savings which are "significant" in relation to the budget for the service or function in question, or in terms of the effect on communities living or working in two or more wards or electoral divisions.
12. Each LA defines what significant is.
13. Our constitution currently causes confusion and risk as sets it at:
 - a. £500k spend / income / saving
 - b. £1m contract
 - c. Property acquisition or disposal over £500,000 (including leaseholds)
 - d. Acquisition or disposal of a leasehold with a rental value over £125,000 per annum

A contract is the Council's main form of spend, followed by grants. Under a contract there will be spend, therefore it is not clear which threshold applies given this ambiguity.

14. It is proposed to create one threshold of £750k income or expenditure, removing reference to contracts from the definition of Key Decision. They will be continued to be caught as a Key Decision as the signing of a contract is a decision to commit to spend.
15. It is also proposed to amend the property thresholds to ensure that:

- a. The spend on acquisition / income from disposal in line with all other income and expenditure
- b. That leasehold is dealt with in a clearer way so that there is a threshold based on either premium or rental value
- c. market changes in rent are reflected in the threshold for rental income, which has not been amended for some years despite increases in the rental market.

16. The proposed changes are:

- a. Acquiring or disposing of freeholds ~~or leaseholds~~ with a consideration ~~or premium~~ over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation
- b. Acquiring or disposing ~~leaseholds leases with a rental value over £125,000 each year except statutory lease renewals under Part II of the Landlord & Tenant Act 1954~~ where either the rental value is in excess of £150,000 per annum and/or the premium is £750,000 except for statutory lease renewals under Part 2 of the Landlord and Tenant Act 1954 ~~and disposals pursuant to right to buy legislation.~~
- c. ADDING as follows ~~acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year.~~

Part 4.5 – Decisions that must be agreed by Cabinet

17. The following changes are proposed to the decisions reserved to Cabinet, with the explanation adjacent to each:

Proposed Amendments	Reasons
9. agreeing transfers between cost centres of over £250,000 to £500,000 that provided that they are consistent with the policy framework	The Council function is to set the budget. In year virements etc are an executive function subject to the
10. giving project approval for projects of £500,750,000 or over (£1,000,000 for contract awards)	It is proposed (see below at [xx] to amend this to accord with the legislative provisions) concerning Executive functions.
11. accepting tenders of £1,000,000 or over 11. Awarding contracts over £750,000	This has been interpreted and used in relation to the award of final tender however simplified and clearer wording is below.
12. recommending to Council approving loans and financial guarantees of over £250,000 to a company which is not wholly owned by the Council or to another external organisation where they would be within the agreed budget set by Council. Where they are not, Cabinet recommends to Council to approve the budget allocation beforehand.	The granting of a loan is an Executive function where there is available budget in the approved budget envelope and where it is in line with the Council's policy framework this this is amended to reflect that but make clear the limits. A corresponding change is made in the Financial Rules.

20. acquiring or disposing of freeholds or leaseholds with a consideration or premium over £ 750500 ,000 except for disposals pursuant to right to buy legislation	To reflect the key decision changes
21. acquiring or disposing of leases with a rental value over £120,000 each year either the rental value is in excess of £150,000 per annum and/or the premium is £750,000 except statutory lease renewals under Part II of the Landlord & Tenant Act 1954 and disposals pursuant to right to buy legislation	To reflect the key decision changes
22. acquiring or disposing of easements with a value over £ 75500 ,000 and/or rental value over £ 125-250 ,000 each year	To reflect the key decision changes

Financial Rules

18. The following changes are proposed to the Financial Rules, with an explanation adjacent to each:

Proposed Amendment		Reasons
<p>18.8</p> <p>Council - agreeing transfers between cost centres that are over £500,000 or breach the policy framework or are not within the approved budget envelope.</p> <p>Cabinet - agreeing transfers between cost centres of > £250,000 or over = <£500,000 that are where they are in line with the Council's policy framework and the approved budget envelope</p>		<p>This is to reflect the provisions around Executive Arrangements in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. This states that where decisions concerning the budget are within the approved budget and the policy framework then they can be the responsibility of the Executive.</p> <p>It would not allow for e.g. Cabinet to approve a virement from the HRA to the general fund or where there is not the money in the budget to be vired.</p>
18.10 – amend the table as follows:		As above
£250,000 or where they are = <£500,000 that are	Cabinet	

<p>in line with the Council's Policy Framework and within the approved budget envelope.</p>		
<p>>£500,000 where they are not within the or breach of the Council's policy Framework or approved budget envelope.</p>	<p>Council</p>	
<p>18.12 Project Approval</p> <ul style="list-style-type: none"> • Less than £185,000 – Head of Service or Executive Director • £185,000 up to £500£750,000 – Executive Director or Head of Financial Services in consultation with the Head of Paid Service and Monitoring Officer (and the Head of Financial Services where the decision to approve is being made by an Executive Director) • £500£750,000 and over – Cabinet 		<p>To reflect the proposed changes to the key decision definition and ensure that the decision making thresholds align with the scheme of delegation from Cabinet</p>
<p>18.21</p> <p>All external funding applications for funding in excess of £100,000 must be authorised by the Head of Financial Services prior to their submission by the Authority. All external funding with a value of £750,000 or more will be a key decision and require Cabinet approval in advance of acceptance.</p>		<p>To reflect the proposed changes to the key decision definition and ensure that the decision making thresholds align with the scheme of delegation from Cabinet</p>
<p>18.23 Loans and financial guarantees of over £250,000 to a company which is not wholly owned by the Council or other external organisation must have approval by the Cabinet and, where it is not within the approved budget, there must be approval of Council to the budget allocation.</p>		<p>To make clear the restrictions on Cabinet's decision making power and where Council must be the decision maker.</p>

Financial implications

19. These are covered within the report.

Legal issues

20. These are covered within the report.

Level of risk

21. Not applicable.

Equalities impact

22. Not applicable.

Conclusion

23. Council are asked to approve the amendments proposed to the Constitution in order that the decision making process reflects legislative provisions and to ensure clear operational direction on decision making requirements.

Report author	Emma Jackman
Job title	Head of Law and Governance
Service area or department	Law & Governance
e-mail	ejackman@oxford.gov.uk

Background Papers: None	
1	Council's Constitution
2	Procurement Act 2023
3	Local Authorities (Functions and Responsibilities) (England) Regulations 2000

19. Contract Rules

- 19.1 Purpose of these Rules
- 19.2 When do these Rules apply?
- 19.3 Responsibility to follow these rules and relevant law
- 19.4 Interests of councillors and officers in contracts
- 19.5 Social Value
- 19.6 Before a contract is agreed
- 19.7 Total contract value
- 19.8 Sub-contracting
- 19.9 Approved Supplier Lists
- 19.10 Framework Agreements
- 19.11 Format of Contracts
- 19.12 Clauses that must be included in all contracts
- 19.13 Commissioning Teckal companies for one off capital schemes or Services
- 19.14 Exemptions and Waivers
- 19.15 Tendering Contracts
- 19.16 Council's Handling of Tenders Received through the Corporate System
- 19.17 Thresholds for quotes and tenders
- 19.18 Accepting quotes and tenders
- 19.19 Letters of intent
- 19.20 Copies of contracts and register of contracts
- 19.21 Contract Management
- 19.22 Legal claims relating to contracts
- 19.23 Varying contracts
- 19.24 Interpreting the contract rules

19.1 Purpose of these rules

These Contract Procedure Rules (“Rules”) are a legal requirement under Section 135 of the Local Government Act 1972 and are part of the Council’s Constitution. They must be followed by everyone proposing to enter into any Contract on behalf of the Council other than where specific exclusions apply.

19.2 When do these rules apply?

Where the Council expects to give or receive money or payments in kind, whether funded from capital or revenue, for:

- the supply to the Council of goods, works or services, or
- the offering to the market of the opportunity to bid for a concession arrangement (i.e. where the arrangements enable a contractor to receive income from a source other than the Council such as the general public.)

For Contracts which are exempted contracts under Part 2, section 3 of the Public Contract Regulations 2015 (the Regulations) and, once in force, Schedule 2 of the Procurement Act 2023 (the Act) the following rules will not apply:

- 19.15 – Tendering of contracts
- 19.16 – Council’s Handling of Tenders Received through the Corporate Tendering Portal
- 19.17 – Thresholds for quotes and tenders
- 19.18 – Accepting quotes and tenders

The following types of agreements are exempted from the corresponding rules (and no exemption form will need to be approved):

Arrangement type	Contract Rules exempted from	Relevant Rules
<ul style="list-style-type: none"> • the acquisitions and disposal of land or buildings which do not form part of a wider transaction under which the Council also procures Supplies, Services or Works (19.26) 	All	Property Transaction Rules
<ul style="list-style-type: none"> • Grants given or received by the Council where Head of Law and Governance has confirmed that the arrangement is a grant 	All	Grant Rules

<p>arrangement in advance. The Grant rules at [xx] will however apply.</p> <ul style="list-style-type: none"> • Contracts for representation by a lawyer in arbitration, conciliation, or judicial proceedings; legal advice given by a lawyer in the preparation of any such proceedings, or where there is a clear indication and high probability that the matter will become subject of proceedings and any other legal services which are exempt from the Regulation and/or the Act • contracts below the relevant procurement law threshold which are required in circumstances of extreme emergency such as an immediate danger to life or property (Executive Directors are authorised to take appropriate action and must report such action and the expenditure incurred to the next meeting of the Cabinet.) • contracts above the relevant procurement law Threshold which are procured using the negotiated procedure without prior publication under Regulation 26 (2) (h) of the Procurement Act 2023, except insofar as to require compliance with the Regulations (Executive Directors are authorised to take appropriate action subject to agreement with the Monitoring Officer and must report such action and the expenditure incurred to the next meeting of the Cabinet.) 	<p>All except 19.10 and 19.18</p> <p>All except 19.10 and 19.18</p> <p>All except 19.10 and 19.18</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	----------------------------------

19.3 Responsibility to follow these rules and relevant law

These rules must be followed by officers, contractors, consultants and any other person responsible for procuring, managing or supervising contracts on behalf of the Council. Reference to Officer shall include any other persons procuring or managing contracts on behalf of the Council.

Officers must take all legal, procurement, financial, technical and other advice that they need to ensure they comply with the law and the Council's rules and policies and that the procurement method and contract are fit for purpose. Executive Directors and Heads of Service must ensure their service areas comply with these rules, the law and all other relevant constitutional rules (such as the Finance Rules).

A breach of these rules, the law or any relevant rules in relation to the letting of a contract may result in disciplinary and/or legal action.

19.4 Interests of councillors and officers in contracts

At all times where the Council is entering into an agreement (whether or not these rules apply) officers, contractors, consultants and councillors must ensure:

- They declare and avoid conflicts of interest in line with relevant codes of conduct / policies of the Council
- that such interests are properly recorded with the Head of Law and Governance
- Officers comply with the Officers' Code of Conduct when conducting procurement
- Officers comply with section 117 of the Local Government Act 1972 by declaring in writing any personal interest in a contract to the Monitoring Officer
- They do not accept any gift or hospitality from any candidate for any contract being procured by the Council and to do so is a disciplinary offence. Officers must inform the Head of Law and Governance if offered a gift or hospitality during a tender process.

19.5 Social Value

The Public Services (Social Value) Act 2012 requires the Council under certain circumstances to consider how the economic, social and environmental wellbeing of Oxford may be improved by services that are to be procured, and how procurement activity may secure these improvements.

The Council will apply the principles of the Public Services (Social Value) Act 2012 to the commissioning and procurement in line with the Council's Procurement Strategy , or such replacement document.

19.6 Before a contract is tendered and/or awarded

Contracts can only be entered into if they comply with these contract rules and:

- All appropriate and necessary decisions have been taken by those with authority to take them including:
 - Project approval being granted in accordance with the Cabinet scheme of delegation (Part 18.12);
 - Decision to award a contract;
 - Decision to enter into a contract (and other associated documentation)
 - Budget allocation / approval to fund the whole life of the contract.
- If applicable the decision to award the contract has been taken in accordance with the rules for key decisions
- The Council has the legal power to enter into the contract.
- The total contract value has been calculated (Part 19.7)
- It has been demonstrated by the procuring officers that the contract provides value for money over its whole duration
- There is no existing contract in place which covers, for the whole organisation (a corporate contract), the supply of the particular service or supplies.
- For all contracts over FTS a financial appraisal has been undertaken by the Head of Financial Services. The relevant Service Head must not award the contract until it has been approved by the Head of Financial Services, and a named contract manager appointed.
- For all quotes and tenders over the FTS threshold a Procurement Commencement Document (available from the Council's intranet) which evaluates options for the solution to be procured and route to market must be produced and approved by the Procurement team and the relevant Head of Service.

Where the contract is over £30k (including VAT) and is to be procured via a direct award (i.e. without competition or under a framework) officers must produce a Justification to Direct Award report.

19.7 Total contract value

Goods, Services and Works: The total contract value is the total amount (including VAT) that is expected to be paid to the supplier as a result of the contract award during the whole life of the contract. This includes any possible extensions to the contract.

Concession Contracts: The total contract value shall be calculated in accordance with relevant procurement legislation.

A single contract must not be split into smaller contracts to avoid the application of these contract rules or the law.

The Contract value must include:

- the value of anything the Council is getting free of charge as part of the contract or which is charged on to a third party
- any income due the supplier under the contract whether the income is from the Council or elsewhere.
- If the length of a contract is unspecified, its total value will be calculated on the basis of the contract having a duration of 48 months.

19.8 Sub-contracting

Where any supplier intends to appoint one or more sub- contractors to discharge some or all of its contractual obligations, the contract must contain an obligation to notify the Council and, where required, secure a collateral warranty in favour of the Council.

In the case of contracts for Works, the Council's Head of Law and Governance, in consultation with the Head of Financial Services, shall in each case consider whether a collateral warranty from the sub-contractor in favour of the Council is required.

19.9 Framework Agreements and Dynamic Markets

The Council may use Framework Agreements and Dynamic Markets set up by third parties where the Framework Agreement or Dynamic Market entitles the Council to do so, subject to the approval of Procurement Services and Legal Services, other than for contracts under the relevant FTS value where standing approval is given.

The methodology and all requirements set out in the Framework Agreement or Dynamic Market must be followed when awarding a Call-Off Contract under a Framework Agreement or a Dynamic Market

19.10 Format of Contracts

All contracts (whether bespoke or the Council standard forms) must be in writing, setting out or clearly the terms and conditions that apply. The following requirements must be met in relation to all contracts unless otherwise agreed in advance by the Head of Law and Governance:

Contract Value	Contractual Requirements
----------------	--------------------------

(including VAT)	
£0 – up to £100,000	Council’s purchase order terms and conditions or bespoke contract drafted by the Council or call off form of contract
£100,000 +	Bespoke contract drafted by the Council or Council’s Standard terms and conditions or Call Off form of contract. These will be subject drafting or sign of for use by Legal Services.

Legal advice must be sought prior to commencing a procurement if it is proposed to use a supplier’s terms and conditions. These should not be used without approval from Legal Services unless it is via a Framework Agreement or DPS and under £100,000.

Contracts which are over the Key Decision Threshold must be sealed unless agreed otherwise by the Head of Law & Governance in writing.

19.11 Clauses that must be included in all contracts

Contracts must contain such clauses as listed in Appendix 1 (one) to the Contract Rules unless otherwise agreed in writing by the Head of Law & Governance in advance of contract formation.

19.12 Commissioning Teckal companies for one off capital schemes or Services

The Council has a number of wholly owned companies which benefit from the “Teckal” exemption to the procurement law. This means that the Council may award contracts to it without the need to comply with procurement law.

Where the Council is seeking to engage a teckal company to deliver:

- one time service, works or goods; or
- works (whether capital or revenue funded): or
- any other goods or services not covered in the overarching service agreement with the teckal

Officers must ensure that, in awarding the contract to a teckal, they comply with the following paragraphs of these rules:

- 19.3- Responsibility to follow these rules and relevant laws
- 19.4 – Interests of councillors and officers in contracts
- 19.6 – Before a contract is tendered
- 19.7 – Total Contract Value
- 19.8 – Sub-contracting
- 19.11 – Format of contracts
- 19.12 – Clauses that must be included in all contracts
- 19.18 – Accepting quotes and tenders
- 19.19 – Letters of intent
- 19.20 – Copies of contracts

- 19.21 – Contract management
- 19.22 – Legal claims relating to contracts
- 19.23 – Varying contracts
- 19.24 – Interpretation of these rules

Officers must also ensure that they comply with the process for awarding contracts to a teckal as set out in Appendix 2 to these rules.

19.13 Exemptions and Waivers

An Exemption is an approval that, for one of the following reasons, the procurement is exempt from the procurement procedure requirements contained in 19.14, 19.15 and 19.17:

(a) Emergencies

If there is an emergency or a disaster, the Chief Executive can approve contractual arrangements outside these rules after consulting the Head of Financial Services and Monitoring Officer. Where such approach is given the Leader must be notified as soon as possible.

(b) Where there is no overall economic benefit to the Council

An exemption may be granted where there is no overall economic benefit, for example where there is only one supplier or no competitive market exists.

(c) Where the contract is for goods, services or works which are available only as proprietary or patented articles, or for which there is no reasonably satisfactory alternative available on the open market, or for the supply of, parts of existing proprietary or patented articles or Works, including machinery or plant.

(d) Where the provision is for a Subscription or Membership and alternative suppliers are not available.

(e) Where the Council is a member of a Consortium and making a payment towards the Service / Goods / Works being procured as part of the Consortium. This is subject to due diligence being undertaken and it being demonstrated that value for money is obtained and the law is being complied with. .

(f) Where grant funding incorporates direct instruction as to the supplier to be used.

(g) When the Council opt into a National Scheme and the supplier is assigned.

The above exemptions can only be used if to do so does not breach procurement law. With the exception of a) emergencies, Officers must seek advice from procurement and legal services prior to using an exemption.

A Waiver is an approval that for the purpose of a specific procurement the procurement procedure requirements contained in any of the rules other than

Constitution - Oxford City Council

those covered by an exemption and their application will be waived but only as specifically listed ('Waiver').

A waiver will not be granted if it would result in a breach of the law.

A waiver must be approved before any action not wholly in accordance with the contract rules can be taken.

Subject to compliance with the law, the Leader or Cabinet can waive any of the rules after considering a report from the relevant Head of Service giving reasons for the waiver and taking into consideration advice from the Head of Financial Services and the Head of Law and Governance.

The following sets out how Waivers and Exemptions shall be approved:

Contract Value Including VAT	Who can authorise use of an Exemption	Who can authorise a Waiver
£0 - £29,999.99	Head of Service in consultation with: Procurement Manager	Head of Service consultation with Procurement Manager
£30,000 - £214,903.99	Head of Service in consultation with: Procurement Manager and legal services	Legal Services Manager (on behalf of the Head of Law and Governance)
£214,904.00 – up to Key Decision Threshold	Relevant Director in consultation with: Head of Financial Services; Procurement Manager; and Head of Law and Governance	Head of Law and Governance in consultation with: Head of Financial Services and Relevant Director
Over Key Decision Threshold	Cabinet	Head of Law and Governance in consultation with: Head of Financial Services and Relevant Director

Any request for a waiver must state from which of the requirements of the

Contract Rules the waiver is requested and reasons for the waiver.

19.14 Tendering of contracts

Tenders will be sought in accordance with the requirements of the procurement law in force from time to time and best practice. If the contract value means the contract is regulated by the Procurement Act 2023 the procurement team will advise of the various options available and which would be the best course of action and will assist with the tender process.

Expressions of interest and Tenders will be sought via advertisement on the Council's Corporate Tendering Portal, the Government's procurement portal (Central Digital Platform) and the Find a Tender Service (FTS).

- (a) Quotation and tender documentation must clearly specify the basis on which the most advantageous Tender will be determined using a combination of cost and quality. Pricing and Quality split in terms of weighting will be as agreed with Procurement Services. Every tender must include a declaration that the tenderer has not:
- told anyone except the Council the amount of the tender;
 - changed the amount of the tender as part of an agreement with anyone; and
 - lobbied councillors or officers about the tender.
- (b) Tenders over £29,999.00 must be submitted via the Corporate Tendering Portal or the electronic system that was used to invite tenders.

19.16 Corporate Tendering Portal

- (a) Each tender received via the Corporate Tendering Portal is automatically date and time stamped. The tender cannot be accessed until after the tender deadline.
- (b) If a tender includes a condition that was not in the tender documents and accepting the condition would give the tenderer an unfair advantage over other tenderers, the tenderer must remove the condition or withdraw the tender.

19.17 Procurement Processes and thresholds

Contracts must be procured in accordance with this section unless exempted or otherwise permitted under these Contract Rules.

Officers seeking quotations from potential suppliers for a contract shall (subject to the other provisions in these rules) as a minimum comply with requirements set out in the table below. Where officers are not required to advertise or use a tender but wish to do so this is permitted.

Value Including VAT	Type	Quotes or tendering**	Process led by
---------------------	------	-----------------------	----------------

Constitution - Oxford City Council

< £29,999.99	Goods Works Services Concession	Minimum one quote in writing, (local supplier* if possible) Use of an approved Framework	Officer authorised by the relevant Head of Service
>£29,999.99 up to FTS	Goods Services	A minimum of three written quotes (one from a local* supplier * if possible). 6 recommended as best practice. Use of an approved Framework	Authorised Procurement Practitioner or Procurement Team
>£30,000.00 and up to £1M	Works Concession	Minimum 4 written quotes. Use of an approved Framework A full tender process recommended as best practice.	
Over FTS	Goods Services	Tender process in compliance with legal requirements undertaken via the Procurement Portal. Use of an approved legally compliant Framework or Dynamic Market	
>£1M and up to FTS	Works Concession	Minimum 6 written quotes. A full tender process recommended as best practice. Use of an approved legally compliant Framework or Dynamic Market	
Over FTS	Works Concession	Tender process in compliance with legal requirements undertaken via the Procurement Portal. Use of an approved legally compliant Framework or Dynamic Market	

All purchases with a value of £30,000 and over must be undertaken through the electronic tendering system (“the Corporate System”) as well as on the

Government's procurement portal.

Exemption from using the Corporate System can only be obtained with the written consent of the Head of Financial Services or an officer nominated by them.

Where quotes are obtained outside of the Corporate System these must be retained by the relevant Head of Service, disposing of:

- Unsuccessful quotes after 12 months from award of the contract;
- successful quotes for a period of 7 years from the end of the contract.

19.18 Decision to award contracts

The Decision to award a contract must be made in accordance with the following:

Contract Value Including VAT	Who may take the decision to award
£0 - £214,904	Head of Service or relevant officer authorised by Head of Service.
£214,9054 - up to Key Decision Threshold	Head of Financial Services or Exec Director provided there is a budget and project approval has been given by OCB/Development Board CMT or Cabinet
Over Key Decision Threshold	Cabinet

In accepting quotes and tender the above officers must also ensure:

- 19.6 has been complied with
- any organisation the Council is acting as agent for has provided their written agreement to the agency appointment.
- the Head of Financial Services, the Monitoring Officer, the Chief Executive and the relevant Cabinet Member have been consulted on the decision to award where required in accordance with the constitution or any delegation from Cabinet.
- where Cabinet approval is required that this has already been sought and, where a delegation has been made to officers to award, that decision is exercised in accordance with that delegation.
- Where the proposed contract is over the threshold in [part xx] an officer decision must be recorded and published.

19.19 Letters of intent

A letter of intent is provided by the Council to a contractor and sets out an intention to enter into a formal contract for the works services or goods described and authorises the contractor to start identified work or supplies before the full contract is agreed.

Letters of intent must not be issued without the approval of the Head of Law and Governance as to the terms of the letter.

All authority/decisions must be obtained as required in these rules and the constitution prior to any letter being issued where it is binding the Council to incur expenditure (i.e. the contractor is not proceeding at risk). In addition all letters of intent must:

- Not be used as a means to circumvent proper contractual or procurement arrangements.
- Be authorised by the relevant Executive Director in consultation with the Head of Law and Governance and the Head of Financial Services

19.20 Copies of contracts and register of contracts

(a) Storage of Contracts

Contracts with a value of £30,000.00 or more (and any variations to such contracts) shall be sent to the Head of Financial Services by the relevant procuring officers to be kept securely:

- for a least seven years from its end date if it was signed;
- for a least 13 years from its end date if it was sealed,

All contracts under £30,000 will be retained by the service area in line with the retention policies of the Council.

(b) Keeping a register of contracts

The Head of Financial Services will keep and publish on the Council's website a central register of contracts over £30,000, recording details as required under the Transparency Code for Local Government and will be published on the Council's website.

19.21 Contract Management

All contracts shall have an appointed officer responsible for managing the contract who is responsible for:

- Reporting Contract performance to the Governments Central Digital Platform where the contract spend exceeds £5m

- ensuring that service expectations are met or exceeded;
- managing the performance of the supplier;
- ensuring that the procurement team have a copy of the contract (if the value is over £30,000);
- maintaining a risk register, where required;
- notifying Procurement when a contract is terminated (whether during the contractual period or at the end of the Contractual period);
- notifying procurement in advance and seeking approval to any variation of a contract where it is a variation in length of contract, cost/spend or additional requirements and
- planning sufficient time to retender contracts prior to the end of the existing contract.

19.22 Legal claims relating to contracts

Claims by r against suppliers must be promptly notified to the Head of Law and Governance and legal advice sought.

19.23 Varying contracts

Contracts may be varied by a Head of Service without procurement approval only where:

- The contract allows for the variation.
- The variation is carried out in accordance with the terms of the contract ;
- The Head of Service is satisfied that the variation represents best value;
- The variation is recorded in writing and signed by the parties; and
- The variation does not take the contract:
 - from not being regulated by the Procurement Act 2023 to being regulated under the Procurement Act 2023
 - and does not result in a breach of procurement law.

Original Contract Value and the value of any variations including VAT	Who may take the decision to vary
£0 - £29,999.99	Head of Service or relevant officer authorised by Head of Service.
£30,000 - £214,903.99	Head of Service or relevant officer authorised by Head of Service.

£214,904.00 – up to Key Decision Threshold	Head of Financial Services or Exec Director provided there is a budget
Over the Key Decision Threshold	Cabinet

The variation is sent to Procurement prior to being implemented to enable accurate contract recording and appropriate notices to be published.

Where a variation to a contract is required which is not provided for within the contract, a variation will not automatically be permitted. Officers must consult with Procurement and have agreement on behalf of the Head and Law and Governance before taking any action to modify the contract. A variation of a FTS contract will only be allowed where it is a permitted variation in accordance with procurement law and it has had written approval of the Monitoring Officer (Head of Law and Governance).

1924 Interpreting the contract rules

Questions about the contract rules and any related guidance will be dealt with by the Head of Financial Services or the Head of Law and Governance and their ruling will be final.

Where there is a conflict between these rules and the law, the law will prevail.

Appendix 1 to the Contract Rules Contractual Clauses

All contracts entered in to must set out clearly:

- what is to be supplied or done (the specification)
- the timescale for performance
- the standards of performance required (this could include KPI's and SLA's);
- the payment arrangements and any arrangements for deductions and discounts. The payment arrangements must not allow for payment in advance of the provision of goods or services unless the Head of Financial Services agrees;
- the period/duration of the contract – whether it is based on a date or an action being achieved the contract must have a mechanism explaining when it will end
- require suppliers to meet any standards:
 - as set by the Head of Service;
 - as stipulated in any Council policy, procedure or the constitution;
 - in line with best industry practice;
 - all relevant British Standards;
 - health and safety requirements.
- That suppliers are required to follow:
 - all applicable codes of practice;
- to hold appropriate insurance cover – the level of indemnity will be set by the Head of Service after assessing the risk and consulting with the Council's insurance officer if necessary. However this cover must include a minimum of £5 million public liability insurance, unless a lower level of cover has been agreed by the Head of Financial Services.
- that suppliers must commit to pay their employees at least the Oxford Living Wage or the Living Wage Foundation rate: this includes (where appropriate) any employees engaged by a sub-contractor in fulfilling the contract;
- all other conditions and terms that have been agreed; and
- where applicable provisions securing social value.

For Contracts over FTS threshold:

- (a) a clause allowing the Council to cancel the contract and recover any resulting losses from the supplier if it discovers that:

- the supplier or its employees have given, offered or promised anything to influence how the Council awarded or managed the contract;
- the supplier or its employees have committed an offence under the Bribery Act 2010, and
- the supplier or its employees have given anything that Section 117(2) of the Local Government Act 1972 forbids officers from accepting.

the supplier or an associated person has been listed as an excluded supplier on the Governments Debarment List.

- (b) a clause requiring the supplier to:
- provide £5,000,000 employer liability insurance indemnity or any other level of cover recommended by the Head of Financial Services
 - provide £1,000,000 professional insurance or any other level of cover recommended by the Head of Financial Services
 - produce proof of insurance (for example copies of the insurance certificates) if the Head of Service thinks it necessary
 - provide a bond (or other suitable form of guarantee) for 10 per cent of the contract value if the Head of Financial Services thinks it necessary
- (c) a clause saying who will manage the contract on behalf of the Council and the approval process for any necessary changes to its terms;
- (d) a clause requiring the supplier to protect the health and safety of anyone affected by its work;
- (e) a clause requiring the supplier to comply with data protection laws and help the Council to comply with the Freedom of Information Act or Environmental Information Regulations;
- (f) a clause requiring the supplier to get the Council's permission before subcontracting or transferring any of the contract;
- (g) a clause giving the Council the right to end the contract if the supplier does not meet the Council's standards and timescales and to bill the supplier for:
- the administrative costs of finding and appointing a new supplier, and
 - any amount by which the new contract exceeds the old one.
- (h) if the Head of Service considers it necessary, a clause saying what damages must be paid if the supplier breaks the contract and explaining how the amount of damages was reached – the Head of Service will consult the Head of Law and Governance on the amount of the damages and what should trigger them;

- (i) a clause giving the Council the ability to exclude the supplier from applying for new contracts where there has been significant or persistent deficiencies in the performance of a significant requirement under a prior public contract;
- (j) where relevant and operationally possible, a clause requiring the supplier to fit side guards and appropriate side mirrors to vehicles over 3.5 tonnes to protect cyclists and pedestrians when driving to and from any site specified by the Council; and
- (k) a clause indicating that the Council is required to publish all new contracts on its website, and will do so in accordance with its obligations, subject to any operative exemptions, within the applicable local government transparency regulations.
- (l) a clause indicating the agreed service levels (SLAs) and key performance indicators (KPIs) which for contracts in excess of £5M will be published to the Governments Central Digital Platform.
- (m) incorporate net zero considerations and sustainability in tender documents and contract management
- (n) incorporate equality, diversity and inclusion (EDI) considerations in tender documents and contract management
- (o) Incorporate Social Value in tender documents where proportionate and relevant with a minimum 10% weighting.

Appendix 2 Procedure for contract with Teckal Companies

Where the Council does not have an existing contract in place with its teckal for the provision of goods, services, works or concessions it must comply with this appendix to in granting any new contract to the teckal.

In addition to these rules all contracts must be awarded in line with the other rules within the constitution such as Financial Rules and rules concerning decision making.

Legal Compliance:

When we refer to a teckal company we mean a company that the Council owns which it can directly award a contract to without being in breach of procurement law, due to the company meeting the teckal criteria.

To fall within the teckal exemption the council's wholly owned company must undertake a minimum of 80% of its business for the Council.

Meeting the teckal criteria does not mean it that is lawful to award the contract, and therefore before granting and entering in to any new contract officers must demonstrate and record in writing that:

- All other relevant aspects of the Council's constitution have been complied with – for example the Financial Rules
- the Council is meeting all its other legal obligations and responsibilities (not just procurement law), including but not limited to
 - Best Value Duty
 - Equalities Duty
 - Construction Design and Management
 - Health and safety
 - Subsidy control
 - Competition law

Contracts to be awarded should not be artificially disaggregated to avoid compliance with these requirements.

Value (including VAT)	Contract requirements
below (<) £29,999.99	All proposed contracts must have a detailed specification. A quote should have been sought and confirmed for the provision of the works in accordance with the specification before contracts are entered into
above (>) £30,000 up to	All proposed contracts must have a detailed

<p>or equal to £150,000</p>	<p>specification.</p> <p>A quote should have been sought and confirmed for the provision of the works in accordance with the specification before contracts are entered into.</p> <p>The commissioning officer should be aware of the market price and conditions for such services. This can be shown by market quotes for the work (which may not be practical to obtain) or benchmarking information verified on a regular basis and retained for audit purposes.</p>
<p>(>) £30,000 to £1m (works)</p>	<p>All proposed contracts must have a detailed specification.</p> <p>For audit purposes, the justification that the contract is subsidy complaint must be documented, with an assessment having been carried out to show the contract is being let in line with market conditions. This can be shown by:</p> <ul style="list-style-type: none"> (i) benchmarking the contractual terms and price being proposed against similar contractual offers made by third party contractors; and/or (ii) using the services of independent advisers commissioned by the Council such as an external QS to assess the commercial price or price range for the contract before the contract is let.
<p>Over FTS (works)</p>	<p>The use of external QS services is mandated.</p> <p>All proposed contracts must have a detailed specification.</p> <p>For audit purposes, the justification that the contract is subsidy complaint must be documented, with an assessment having been carried out to show the contract is being let in line with market conditions. This can be shown by:</p> <ul style="list-style-type: none"> (i) benchmarking the contractual terms and price being proposed against similar contractual offers made by third party contractors; and/or (ii) using the services of independent advisers commissioned by the Council such as an external QS to assess the commercial price or price range for the

	<p>contract before the contract is let.</p> <p>A formal tender evaluation process should be followed with a Cabinet report written to support the decision to award the contract. This will be a key decision. .</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

This page is intentionally left blank

To: Council
Date: 25 November 2024
Report of: Executive Director (Development)
Title of Report: Petition submitted in accordance with Council procedure rules - Establish a Children's Playground in Oxford City Centre

Summary and recommendations	
Purpose of report:	To set before Council response to the petition for establishing a Children's Playground in Oxford City Centre
Key decision:	No
Cabinet Member:	Councillor Louise Upton, for Planning & Cycling Champion Councillor Chewe Munkonge, Cabinet Member for A Healthy Oxford
Corporate Priority:	Not applicable
Policy Framework:	Council Strategy 2024-28
Recommendation(s): That Council resolves to:	
<ol style="list-style-type: none"> 1. Note the contents of the report; 2. Hears the debate by the petition organiser; Debate the proposal contained within the petition and any relevant motions/recommendations submitted by Members by the deadline; 3. Agree the action it wishes to take. 	

The Petition

1. An ePetition titled 'Establish' a Children's Playground in Oxford City Centre' was submitted in accordance with the Council's Petition Scheme.
2. The petition is available to view on the Change.Org website [here](#) and states in full:

I am a resident of Oxford concerned about the lack of play areas for children in our city centre. Our wonderful city, bustling with culture and history, sadly does not cater enough to families wanting to spend quality time in the heart of Oxford. The absence of playgrounds means that children do not have a safe and engaging space to play, which is a barrier to families spending time in the city centre.

There is not only a community impetus to do this, while Oxford is [outperforming the national average](#), nationally the retail sector is struggling with [footfall to city centres nationally falling](#) in favour of online shopping *. Providing a city centre play space would make it easier for young families to shop, dine and visit city centre attractions.

Other cities with similar heritage status have achieved this. Paris has a municipal playground at the foot of the Sacre Coeur, and playspaces small and large scattered across the city centre. Oslo has a play space outside the central station, Svendborg has turned their city square into a play space for children and families. In the UK, new retail developments like Westfield and Battersea have playspaces baked in to their design, usable by small and big kids.

The closest play areas to the city centre are Friars Wharf and Jericho, which are too far to be viable for a city centre trip.

To address this, we are asking Oxford City Council to consider establishing a children's playground or series of small playspaces in the city centre. This initiative will not only make Oxford even more welcoming for families but also promote a more vibrant, inclusive, and diverse city centre.

Join us now to make our city a better place for everyone. Sign this petition and call on both Oxford's City Council to establish a children's playground in the city centre and also Oxfordshire County Council to provide some road space to enable this to happen.

3. 1,760 people signed the ePetition.
4. In accordance with the Council's Constitution (Part 11.15) and the Council's petitions scheme (Part 11, Annex 1 of the Council's Constitution), a petition containing at least 1,500 signatures will be debated at Full Council if the petition organiser makes a request for a debate in writing directly to the Head of Law and Governance at least three weeks prior to the Council meeting.
5. The petition organiser may address Council upon the petition for up to five minutes before the debate upon the petition at the meeting.

Constitution rules and procedure

6. The Council's petitions scheme outlines the procedure for handling petitions and is set out in the Constitution. The scheme specifies that a petition containing at least 1,500 signatures will be debated at full Council if the petition organiser makes a request for a debate in writing directly to the Head of Law and Governance.
7. The Constitution states that the petition organiser may address Council upon the petition for up to five minutes before the debate upon the petition at the meeting.
8. The motion for debate is set out above in paragraph 2.
9. An alternative substantive motion/recommendation must be proposed if councillors wish to take any action other than adopting the action in the petition,

not adopting the action in the petition, or deferring, referring or noting the issues raised by the petition.

10. If a Member wishes to put a substantive motion/recommendation on a petition they must let the Head of Law and Governance have that motion/recommendation by 10am on Friday 22 November 2024 (the working day before the Council meeting). These would then be published in the Council briefing note. Any amendments to these would have to be with Committee and Members' Services by 11am on Monday 25 November 2024 (the day of the meeting).

Introduction

11. Oxford City Council provides an excellent level of play provision across the city, comprising 80 play areas, 20 multi-use games areas, various other sports facilities and two splash parks.
12. Within a constrained budget, we invest £250k a year in managing and maintaining our existing play and street sports portfolio, alongside additional capital investment for major refurbishments, as required.
13. We know that the first few years of a child's life are **critical** for healthy social, emotional and physical development. Living in a city is stressful, looking after young children is stressful, so opportunities for very small children and their care-givers - whether that's parents, grandparents, foster parents or step-parents - to spend time playing is important.
14. The City Council recognises there is an opportunity to look at new play space in the city centre and while we do not have funds for the installation, management and on-going maintenance of new additional facilities, we do have a number of levers available to explore future opportunities.

Formal play space in the city centre

15. The City Council recognises the benefits play space could bring to the city centre, in terms of child development, place-making, activation & animation, and footfall.
16. If we are to provide play space in the city centre, the location, design, and management plan will though need to ensure it considers and mitigates issues associated with anti-social behaviour connected with the nighttime economy, the likely higher costs maintenance and daily locking/unlocking, and any increased safeguarding risks.
17. While these are undoubtedly challenges, they are clearly ones that can be overcome in the right locations and with the right funding and plan in place, with the new [Mayfield Play Park](#) in the centre of Manchester is a great example of what is possible.

The Central Oxfordshire Movement and Place Framework (COMPF)

18. Building on the City Council's City Centre Action Plan, a joint County and City Council project is now underway in the city centre called Central Oxfordshire Movement and Place Framework (COMPF). COMPF is looking comprehensively at what could be done to improve the public realm in the city centre, including reprioritising road space (after the trial traffic filters are implemented). Additional play provision is being considered as part of a range of options for improvements to the public realm.
19. The project is a strategy document, and funding is not at this stage available to deliver all the projects it identifies. However, it will show how and where space can be made available considering a range of factors. COMPF will also consider long term stewardship because creating more public realm, play and spaces to dwell all have long term costs for both councils that need proper consideration. The project is due to report back in spring 2025.

Urban95 Academy

20. A team of three including an Oxford City councillor and an officer from both City and County Councils attended the Urban95 Academy in July 2024. The purpose of the week-long residential course at the LSE was to emphasise the importance of early childhood in the physical, emotional and social development of children, and how this is challenging in an urban environment. As a result, this team have been working on identifying a location in the city centre and designing a play space to feed into the COMPF work.

Engaging existing landowners in the city centre

21. City Council officers are engaging with other landowners in the city centre to explore opportunities for the provision of play equipment in existing developments and open space. This would not only require a commitment of land by the relevant third-party, but also funds for installation and on-going management and maintenance. However, the hope is that there are also benefits, such as the animation and activation of space, and associated footfall.

New city centre developments

22. In term of new developments coming forward, the Local Plan includes policies to ensure new public open space on all larger housing or mixed-use developments.
23. The policy approach is deliberately flexible to allow for open space to come forward in an appropriate way, which responds to the context of the specific development opportunity, and which may or may not include play space. The policies also recognise that play can be accommodated into the built environment in various, and often informal ways.
24. As such, the City Council will work with developers coming forward with city centre residential and mixed-use proposals to consider opportunities for play

facilities where it is right for the context and location. Proposals will also need a clear strategy for on-going management and maintenance.

25. As an example, the proposals set out in the Oxpens application currently under consideration by the Local Planning Authority include plans for a minimum of 750sqm of publicly accessible play provision in the proposed new amphitheatre, next to Oxpens Meadow.

City Council's ability to fund new and existing play space

26. Unfortunately, given constrained budgets there are no additional funds within the City Council's budget to install and maintain new play equipment even if land in the centre could be found. This is in part because the City Council must focus its limited funds on its existing extensive play and sports portfolio.
27. This existing portfolio requires a rolling programme of maintenance and replacement of equipment and safety surfaces. Day to day maintenance and repairs, inspections and the rolling programme of equipment and safety surface replacement currently costs around £250,000 per year.
28. This sum does not include the cost of major play area refurbishments or replacement of the larger outdoor, all-weather sports facilities that we own. These costs also need to be covered on an ad hoc basis, for example the upcoming £390k investment in the [Hinkey Splash Park](#), which will take place in time for next summer. This is funded from the Council's capital programme, alongside securing external grant.

Conclusions

29. The City Council welcomes the petition and thanks those who instigated it and signed it for supporting this issue.
30. While the City Council itself does not have any additional funds beyond those needed to maintain its existing extensive play and outdoor sports portfolio, we will continue to work with partners to explore opportunities. This includes the County Council and major landowners & developers.

Financial implications

31. The implications of this report will depend on Council's recommendations, if any, and Council should be mindful of the possible costs in formulating its recommendations.

Legal issues

32. The implications will depend on Council's recommendations, if any. Any recommendations will be considered in detail by the Cabinet, before returning to Council should this be necessary.

Report author	Tom Bridgman
Job title	Executive Director (Development)
Service area or department	Development
e-mail	tbridgman@oxford.gov.uk