

Oxford City Council Constitution

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This Constitution sets out

- how the Council operates; how decisions are taken; and who has the power to take which decisions
- the procedures, codes and protocols to be followed to ensure decisions are made efficiently, transparently and with accountability to local people

Some of these processes are required by law. Others are a matter for the Council to choose. In the case of any conflict between the Constitution and legislation, the legislation will prevail.

The Constitution is periodically updated to incorporate current legislation and to reflect any changes which the Council has decided to make.

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1. Citizens' rights and other basic rules

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- 1.4 Leader and Cabinet
- 1.5 Other committees that take decisions
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- 1.7 Lord Mayor and Deputy Lord Mayor
- 1.8 Council employees

1.1 Summary of citizens' rights

Citizens have the right to:

- vote at local elections and get in touch with their local councillors
- sit in on Council, Cabinet and committee meetings, except when exempt or confidential items are discussed (Part 15)
- address Council and ask questions (Part 11.11)
- ask questions at the Cabinet (see Part 12.7), and the Scrutiny Committees (Part 13.8) and other committees (Part 14.8)
- contribute to Scrutiny Committee inquiries (Part 13.9)
- look at the Forward Plan which shows what key and other decisions will be taken and when (Part 15.16) – this is available on the Council's website and at the Town Hall.
- look at agendas, reports, minutes and background papers (Part 15) – agendas, reports and minutes are available on the Council's website and at the Town Hall
- look at the register of members' interests (Part 22.4) – this is available on the Council's website and at the Town Hall
- look at a copy of the Constitution (Part 2)
- sign a petition calling for a referendum on an elected mayor
- submit petitions to the Council either electronically or in paper and have officers consider what actions may be taken in response
- have petitions containing at least 1,500 signatures considered by a meeting of Council if the petition organiser makes a request for such a debate in writing to the Director of Law, Governance and Strategy
- make a complaint to the Council – see the Council and Democracy page on the Council's website and follow the links to Comment, Compliments and Complaints

- complain to the ombudsman if they have already complained to the Council
- complain to the Monitoring Officer that a councillor has broken the Members' Code of Conduct (Part 22)
- inspect the Council's accounts at an advertised time and comment to the external auditor.

1.2 Councillors

(a) Elections and terms of office

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

Half the councillors are elected every other year, with elections in 2020, 2022 and so on. Following implementation of a boundary review by the Boundary Commission for England there will be an election for all Council seats in 2020. After that the Council will revert to elections for one Councillor per ward every two years.

Exceptionally, after the 2020 elections one councillor in each ward will serve for two years only and the other for four years.

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

(b) Role of councillors

Councillors:

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

(c) Rights and duties of councillors

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

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

(d) Councillors' allowances

Councillors can claim allowances (Part 26).

1.3 Council

(a) Role of Council (sometimes referred to as “full Council”)

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

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

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

(b) Council Meetings

There are three types of Council meetings: annual meetings, ordinary meetings and special meetings (Part 11).

1.4 Leader and Cabinet

(a) Members of the Cabinet

The Cabinet is made up of the Leader, the Deputy Leader and up to eight other councillors. The Leader is appointed by Council. The Leader appoints the Deputy Leader and Cabinet members. The Leader may also wish to appoint a second, non-statutory Deputy Leader from among the eight Councillors. Members of the Cabinet cannot be Lord Mayor or Deputy Lord Mayor or a member of a scrutiny committee.

(b) Term of office of Cabinet members

Cabinet members hold office from when they are appointed by the Leader until:

- they are removed by the Leader
- they submit their written resignation from their Cabinet role to the Leader
- they stop being a councillor or
- they are disqualified from being a councillor

(c) Cabinet meetings

Cabinet meetings follow the Cabinet procedures (Part 12).

(d) Executive decisions

The Cabinet takes decisions collectively at Cabinet meetings. Some decisions are delegated to officers (Part 4).

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

(e) Key decisions

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

(f) Role of the Leader

The Leader is responsible for:

- appointing and removing the Deputy Leader
- appointing and removing the non-statutory Deputy Leader
- appointing members to and removing members from the Cabinet
- allocating executive responsibilities
- appointing members to other executive positions such as the Future Oxfordshire Partnership and its advisory sub-groups

(g) Term of office of Leader

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

(h) Deputy Leader

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

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

(i) Non-statutory Deputy Leader

The non-statutory Deputy Leader is appointed by the Leader. The non-statutory Deputy Leader holds that office for as long as the Leader wants them to hold that position.

The non-statutory Deputy Leader does not hold a statutory role but will work on an equal basis with the statutory Deputy Leader as part of the Council's senior political leadership team.

If the Leader ceases to be the Leader, the non-statutory Deputy Leader also ceases to be the non-statutory Deputy Leader and reverts to an ordinary Cabinet member.

1.5 Other committees that take decisions

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

1.6 Scrutiny

(a) Scrutiny committees

The Council has one scrutiny committee.

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

(b) Role of the Scrutiny Committee

The Scrutiny Committee scrutinises the Council's decisions and work (Part 8).

(c) Procedure at Scrutiny Committees

The Scrutiny Committee follows the scrutiny committee procedures (Part 13).

1.7 Lord Mayor and Deputy Lord Mayor

(a) Election of Lord Mayor and Deputy Lord Mayor.

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

(b) Ceremonial role

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

(c) Chairing Council

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

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

1.8 Council employees

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

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

2. About the Constitution

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

2.1 Status of this Constitution

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

2.2 Interpreting the constitution

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

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

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

2.3 Purpose of the Constitution

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

- provide clear leadership for the city
- carry out proper consultation and take professional advice
- act openly except when there are strong reasons not to (Part 15)
- hold decision takers to account and make sure no one reviews their own decisions
- respect human rights
- act proportionately (European law defines this as doing no more than is necessary in a democratic society to achieve a legitimate aim).

2.4 Monitoring and reviewing the Constitution

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

Where an annual review of the Constitution is undertaken, any changes recommended by the Monitoring Officer will be considered by a cross-party Constitution Working Group for recommendation to Council for adoption. The membership of the Constitution Working Group will be 8 members and adhere to political balance requirements. The Constitution Working Group will agree its own meeting dates and times and substitutes will be permitted.

Where changes are recommended for standalone issues, the Monitoring Officer will submit a report to Council setting out the recommended change(s) for agreement without convening a Constitution Working Group meeting.

2.5 Changing the Constitution

The Monitoring Officer can change the Constitution if it is to put right clerical mistakes or to make it follow the law. The Monitoring Officer can also change Part 4 (who carries out executive responsibilities) and Part 6 (roles of Cabinet members) to reflect the wishes of the Leader. The Monitoring Officer may also change Part 3 Annex 1 to reflect amendments agreed by Cabinet.

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

2.6 Changing governance arrangements

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

2.7 Suspending the Constitution

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

2.8 Publishing the Constitution

The Monitoring Officer will keep an up-to-date version of the Constitution and publish it on the Council's website. A paper copy for reference only will be made available and remain in the Council offices. Additional paper copies may be made available to members of the public for personal use in exchange for the payment of a fee.

3. Council responsibilities and executive responsibilities

- 3.1 Council responsibilities and executive responsibilities
- 3.2 Summary of Council responsibilities and executive responsibilities
- 3.3 Delegation of responsibilities
- 3.4 How delegation works
- 3.5 Interpreting the rules on delegation
- 3.6 Responsibilities are carried out on behalf of the Council
- 3.7 The Council's companies
- 3.8 Joint arrangements
- 3.9 Delegation to and from other local authorities

3.1 Council responsibilities and executive responsibilities

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

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

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

3.2 Summary of Council responsibilities and executive responsibilities

Council responsibilities	Executive responsibilities
the budget and policy framework regulatory work, for example planning and licensing elections and electoral registration collective terms and conditions other than pay all of the other matters in 5.8 to 5.15	everything else

3.3 Delegation of responsibilities

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

3.4 How delegation works

(a) Delegation by Council and the Leader

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

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

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

Officers do not have to use their delegated powers: they can ask the body that delegated to them to decide (except the Director of Planning and Regulation will ask the Oxford City planning committees to decide on planning functions delegated from Council).

Officers who have had something delegated to them (and those officers who manage them) can authorise officers they line manage or other officers with the relevant skills and responsibilities to do it on their behalf (unless it was delegated on condition that they do it themselves) but will remain responsible and accountable for the exercise of the delegated function.

3.5 Interpreting the rules on delegation

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

3.6 Responsibilities are carried out on behalf of the Council

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

3.7 The Council's companies

(a) Company objects

Where the Council uses the enabling legislation to create its own companies, either as the sole or as a joint owner, the broad terms of the objects of each Council company will be recorded in its Articles of Association, while its Shareholder Agreement will set out more detailed operational arrangements and the matters which are reserved for determination by the Council as the shareholder. In general, these reserved matters will be key structural and high-level strategic matters rather than the "day-to-day" business and operations of the company, which will be the responsibility of the company directors.

(b) Governance framework

Each Council-owned company is an independent legal entity which is entirely separate from the Council. The company will have its own identity and responsibilities, so cannot be treated as an internal department of the Council. A Council-owned company is required to comply with Company law, its Articles of Association and its Shareholder's Agreement. It is not governed by the Council's Constitution.

(c) Shareholding

The responsibility to represent the Council as shareholder of each company is an executive function. The Leader of the Council may therefore determine the nature of such representation, currently operated through a Shareholder and Joint Venture Group (see Part 3 Annex 1).

The Shareholder and Joint Venture Group will meet the company's directors and representatives at least twice annually to monitor the company's progress, decide any matters falling within its reserved matters, protect the Council's interests and investments in the company and determine the future direction of the company. The Council's Chief Finance Officer and Monitoring Officer will act as advisors to the Shareholder and Joint Venture Group. The Chief Executive or a Deputy Chief Executive or Director nominated by the Chief Executive will advise the Shareholder and Joint Venture Group on matters of policy.

The activities of the Shareholder and Joint Venture Group will be subject to consideration by the Council's Scrutiny Committee. The Shareholder and Joint Venture Group and Scrutiny may meet separately or simultaneously.

(d) Company Board of Directors

The appointment of directors to the Board of a Company is the responsibility of the shareholder(s). The directors hold a fiduciary duty to their company, but at the same time are also accountable to the shareholder(s), and as such owe duties to both the Council and the company.

(e) Boards of Joint Ventures

Appointments to Boards of Joint Ventures is the responsibility of the shareholder(s). Those appointed hold a fiduciary duty to the Joint Venture, but at the same time are also accountable to the shareholder(s), and as such owe duties to both the Council and the Joint Venture.

(f) Contracting

The Council and its companies may choose to contract with each other as separate entities - for example, the Council may appoint a company as its supplier of certain services, while a company may appoint the Council to supply its administrative services. Where the company meets the requirements of the "Teckal exemption" such contracts may be awarded without the need to comply with the full requirements of the Public Contract Regulations 2015 but the Council will need to ensure it meets its duties as a best value authority (Part 19.11). Where contracting takes place, the Council

will have formal agreements in place with the company setting out the terms of the agreed service levels and a procedure for dispute resolution.

(g) Conflicts

As the Council and its companies are separate legal entities, care must be taken to ensure that conflicts of interest are avoided. When Council officers are asked to provide advice in a situation where the interests of the Council and the company are not entirely aligned, individual officers should be assigned to advise or represent one side or the other, but should not act for both. Officers in the senior management structure can authorise officers to undertake delegated functions (Part 4.4). Where an authorising officer has a conflict of interest another officer in the senior management structure, in consultation with the Director of Law, Governance and Strategy and the Group Finance Director, can authorise officers to undertake delegated functions as necessary.

Where a Council officer is on a Company Board of Directors or the Board of a Joint Venture and there is a conflict in the interests of each party, that officer may only take a decision in respect of one of the parties and must not take a decision for both.

3.8 Joint arrangements

Council may establish joint arrangements with one or more local authorities to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities and the delegation of functions to the joint committee.

The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities and the delegation of functions to the joint committee.

3.9 Delegation to and from other local authorities

- (a) Council may delegate non-executive functions to another local authority or, in certain circumstances where these are local choice responsibilities, the executive of another local authority.
- (b) The Leader may delegate executive functions to the executive of another local authority or, in certain circumstances where these are local choice responsibilities, another local authority.
- (c) The decision to accept a delegation of executive responsibilities from another local authority shall be reserved to Cabinet.

Annex 1 to Part 3: Council responsibilities and executive responsibilities

Shareholder and Joint Venture Group Terms of Reference and Meeting Arrangements

Purpose

1. There are two Shareholder and Joint Venture Groups, which are responsible for exercising the role of shareholder in respect of the Council's wholly owned companies and joint ventures and for safeguarding and furthering the Council's interests and investments in those companies and joint ventures. They will take decisions on any matters as shareholder for the companies that these Terms of Reference set out. They also receive the annual and periodic reports for each of the companies.
2. The two Shareholder and Joint Venture Group and the entities they are responsible for are as follows:

Shareholder and Joint Venture Group (ODSL and ODSTL)	Shareholder and Joint Venture Group (OCHL, BOLLOP, OxWED)
Oxford Direct Services Limited (ODSL) (Company number 10719222)	Oxford City Housing Limited (OCHL) (10212716) and its subsidiaries OCH(I)L (10370637) and OCH(D)L (10370647)
Oxford Direct Services Trading Limited (ODSTL) (10719214)	Oxford West End Development LLP (OxWED)* (09957392)
	Barton Oxford LLP** (OC368330)

*OxWED LLP is a partnership vehicle jointly owned by the Council and Nuffield College. Some decisions are reserved to each shareholder and some decisions will require the consent of both shareholders.

**Barton Oxford LLP is a partnership vehicle in which the Council has joint responsibility but no shareholding.

Membership and quorum

3. Membership of both of the SJVGs, Shareholder and Joint Venture Group (ODSL and ODSTL) and Shareholder and Joint Venture Group (OCHL, BOLLOP and OxWED) will be a sub-set of the Cabinet as notified by the Leader of the Council. The quorum for each of the Shareholder and Joint Venture Groups is 3 members which must include the Leader of the Council or a Deputy Leader. Substitutions will be allowed but must be members of the Cabinet.
4. The Chair of the Scrutiny Committee or the Finance and Performance Working Group will be invited and entitled to attend the meetings of the Shareholder and

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Joint Venture Groups where there are scrutiny committee recommendations on a report for that meeting.

Chairing

5. Meetings will be chaired by the Leader of the Council or in their absence another member notified by the Leader of the Council.

Meeting frequency

6. Meetings of each of the Shareholder and Joint Venture Groups will be scheduled to take place on dates and times agreed by the Leader of the Council, having regard to the relevant company's reporting cycles and decision-making requirements and the Council's scrutiny committee work cycle.
7. For each of the Shareholder and Joint Venture Group there will be three scheduled meetings annually (e.g. in July, November and March).

Additional meetings

8. Additional meetings can be called at any time on dates and times agreed by the Leader of the Council.

Meeting structure

9. The order of the public and private business of the meetings in relation to each of the entities will be determined by the Director of Law, Governance and Strategy in consultation with the Leader of the Council.

Decision making

10. Decisions will be taken by a consensus of members present unless any member of the relevant Shareholder and Joint Venture Group requests a vote, in which case a majority decision will be taken with each member present having a single vote. In the event of a tie the Chair will have a casting vote.

Attendees

11. The relevant company Directors and company Secretaries will be invited to attend Shareholder and Joint Venture Group meetings but may be excluded where there is a need for the committee to consider a matter in private or where it relates to another entity. The Council's statutory officers (or their deputies) will attend the whole of meetings.

Access to information

12. Meetings of the Shareholder and Joint Venture Groups will be conducted in accordance with the following rules:
 - Agenda will be published 5 clear working days in advance of meetings.
 - Members of the Council will be able to observe public and private parts of meetings and to access papers relating to the public and private business of each company and joint venture.

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- Members of the public will be able to observe the public parts of meetings and access papers relating to any public business for each company and joint venture.
- Officers of the Council will be able to observe the public parts of meetings and access papers relating to any public business for each company and joint venture but will only be able to attend private parts of meetings and access papers relating to private business where specifically authorised to do so by the Chair or a statutory officer.

Relationship to the scrutiny role within the Council

13. The Council's Scrutiny Committee can scrutinise the business and decisions of each of the Shareholder and Joint Venture Groups and to make recommendations to the Shareholder and Joint Venture Groups. Decisions of the Shareholder and Joint Venture Groups will be subject to call in by the Chair of the Scrutiny Committee or any 4 members.

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4. Who carries out executive responsibilities?

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

4.1 Need to act within the budget and policy framework

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

4.2 Gaps in the policy framework

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

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

4.3 Need to follow the Constitution

Executive responsibilities must be carried out in a way that follows the Constitution. Special attention should be paid to the Finance and Contract Rules (Parts 18 and 19).

4.4 Delegation to officers

All executive functions except the ones in Part 4.5 and 4.6, and any executive functions delegated to the Shareholder and Joint Venture Group (see Part 3 Annex 1) are delegated to the officers in the senior management structure (Part 9.1 and Part 9: Annex 1).

Officers in the senior management structure can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions but will remain responsible and accountable for the exercise of the delegated functions. This is subject to 3.7 (g) of the Constitution.

An officer can only carry out a responsibility if:

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

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

- Awarding a contract 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)
- 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
- Any Ward Member Budget and Community Infrastructure Levy application decisions

4.5 Decisions that must be agreed by Cabinet

Unless otherwise specified in this Part 4, the following decisions must be agreed by Cabinet:

1. recommending to Council the budget and policy framework (Part 5.2)
2. recommending to Council the medium term financial strategy
3. agreeing a draft budget for consultation
4. recommending extra spending outside the budget to Council
5. using a year-end surplus in a trading account
6. considering periodic financial, risk, performance management and customer feedback monitoring reports
7. agreeing the risk management strategy
8. recommending to Council transfers of assets between the general fund and housing revenue account
9. agreeing transfers between cost centres of over £250,000 provided that they are consistent with the policy framework.
10. giving project approval for projects of £750,000 or over
11. awarding contracts over £750,000
12. considering reports from the National Audit Office and agreeing action plans in response

13. receiving Scrutiny recommendations and re-considering decisions of the Cabinet which have been referred back from Scrutiny following the call-in of a Cabinet decision
14. matters that the statutory officers (Part 9.2) of the Council place on the agenda
15. making compulsory purchase orders
16. agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges)
17. responding to consultations by outside bodies where the Leader wishes the Cabinet to approve the response
18. appointing and nominating representatives to outside bodies
19. adopting, amending and revoking supplementary planning guidance
20. acquiring or disposing of freeholds with a consideration or premium over £750,000 except for disposals pursuant to right to buy legislation
21. acquiring or disposing of leases with either the rental value is in excess of £250,000 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
22. acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year
23. disposing of property or leases for less than best consideration
24. changing eligibility for services
25. agreeing the community and voluntary organisations grants prospectus
26. giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties)
27. setting minimum service standards
28. designations of conservation areas
29. the following responsibilities in relation to street naming and numbering
 - (a) naming and numbering of streets if there are unresolved objections following consultation
 - (b) Agreeing policy redrafts and/or any substantial amendments to the Street Naming and Numbering Policy
 - (c) Consider whether a review of a street name should be carried out (on receipt, by the Council, of representations from local councillors and evidence that a substantial proportion of those who live in properties in the street or road are calling for a change in the street name)
 - (d) Renaming a street in the event of there being a balance of judgments to be made or there are unresolved objections following consultation about possible names.
30. adoption of Public Spaces Protections Orders that geographically include the whole local authority area

31. confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995(as amended)
32. formally designating a Neighbourhood Plan area
33. designating a Neighbourhood Forum as a “relevant body”
34. agreeing that the legal tests have been met and to proceed with the consultation stage in relation to a draft Neighbourhood Plan
35. submitting any consultation responses and a draft Neighbourhood Plan for independent examination
36. approving the modifications to policies in a Neighbourhood Plan as recommended by an Examiner’s report and approving any factual modifications that have been made for the purpose of correcting errors and approving any factual modifications relating to textual changes in the introductory chapters or in terms of the justification for the policies in a draft Neighbourhood Plan
37. agreeing that a draft Neighbourhood Plan (as modified) is submitted to a referendum
38. agreeing single carry forward sums in excess of £10,000
39. making decisions under the Community Infrastructure Levy Exceptional Circumstances Relief Policy
40. agreeing annual or regular flag flying and bell ringing commitments
41. 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.
42. agreeing whether to discharge an executive function by way of joint arrangement
43. agreeing whether to accept a delegation of an executive function from another local authority under joint arrangements
44. agreeing to the establishment by the Council of companies or joint ventures which are separate legal entities from the Council and are not subsidiaries of the Council’s existing companies or joint ventures
45. agreeing to develop any major new executive plan or strategy

4.6 Delegation to single Cabinet Members

The Leader may delegate executive responsibilities to a single Cabinet Member with or without consultation with officers or other Cabinet Members.

Cabinet Members do not have to use the delegated powers: they can ask the Leader to decide. The delegation can also be withdrawn by the Leader.

Any decisions delegated to a single Cabinet Member shall only be taken having regard to a written report submitted to them by the relevant officer within the

senior management structure including any advice from the Group Finance Director and the Director of Law, Governance and Strategy.

If a Cabinet Member with delegated powers has a disclosable pecuniary interest in a matter for decision the Cabinet Member must declare the interest as required by the Members' Code of Conduct and not exercise the delegated function. The delegated function will instead be exercised by the Leader or another Cabinet Member authorised by the Leader.

Key decision procedures and call in procedures will apply to any key decisions delegated to a single Cabinet Member.

Once a Cabinet Member has taken a delegated decision, the Council will produce a record of the decision.

4.7 Ward member decisions

- (a) Each member of Council will (subject to the budget being approved annually by Council) be allocated an amount of money to spend in their ward (Ward Member Budgets). Members representing wards not covered by a parish council may also be allocated a neighbourhood portion of Community Infrastructure Levy (CIL) monies. If the ward member changes during the year without their full allocations being designated (including any allocations carried forwards from a previous year), the replacement ward member will be able to allocate the remaining balance.
- (b) The Ward Member Budget allocation may be spent only if it would benefit the economic, social or environmental well-being in relation to the member's own ward. Members may pool budgets across adjoining wards to benefit a wider area. The allocation can be spent on community projects benefitting groups or communities living or working in the ward such as:
- Improving, refurbishing or cleaning up parts of the local area
 - Purchasing new street furniture or signage (having regard to any future servicing or maintenance requirements)
 - Supporting local groups, events or newsletters

The allocation cannot be spent on:

- Projects that would financially benefit the ward member or members of their family directly
 - Projects that are party political in nature
 - Projects that conflict with the statutory functions or values of the Council
 - Projects that conflict with a Council decision or proposed course of action (e.g. to lobby against a planning application)
 - Projects that would only benefit an individual personally without serving a wider community interest.
- (c) CIL monies must be spent on local infrastructure which may include:
- The provision of infrastructure

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- The improvement of infrastructure
 - The replacement of infrastructure
 - The operation and maintenance of infrastructure
 - Anything else to mitigate the demands development places on an area, including one-off feasibility studies to further proposals for capital projects
- (d) Any WMB spend must be approved by the Director of Communities and Citizens' Services, following consultation with the Director of Law, Governance and Strategy (Monitoring Officer), the Group Finance Director (Section 151 Officer) and the Director of Property and Assets.
- (e) Any CIL spend must be approved by the Director of Planning and Regulation following consultation with the Director of Law, Governance and Strategy (Monitoring Officer), the Group Finance Director (Section 151 Officer) and the Director of Property and Assets.
- (f) No spend may be sought in a financial year in which City Council elections are held before those elections are held.
- (g) The decision to incur the spend may be called-in (Part 17)
- (h) Any unspent allocations at the end of a financial year will be carried forwards unless Council agrees otherwise.
- (i) Details of the use of ward member budgets including the level of spend and projects funded will be published on the Council website at the end of the financial year.

4.8 Decisions relating to Port Meadow and Wolvercote Common

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

4.9 Responsibility for housing safety

The Director of Housing Services will be responsible for ensuring that the Council is complying with the consumer standards required by the Regulator of Social Housing.

4.10 Public Spaces Protection Orders

Cabinet will adopt Public Spaces Protection Orders that geographically include the whole local authority area. In respect of other PSPOs, following consultation with the Cabinet Member responsible for community safety and the ward members, the Chief Executive, a Deputy Chief Executive or a Director can adopt and publish Public Spaces Protection Orders. All of the statutory requirements for the making of an order must be satisfied. Any proposal for a PSPO covering two or more Council wards must be treated as a Key Decision (Part 15.14).

4.11 Responsibilities not covered by these rules

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

Community Infrastructure Levy

The Director of Planning and Regulation will be responsible for the executive functions, not reserved to the Cabinet, in the Community Infrastructure Levy Regulations 2010.

Neighbourhood Planning

The Cabinet Member with the relevant portfolio will be responsible to designate the Neighbourhood Area, to approve or refuse the area designation, 13 weeks from application otherwise must designate all the area.

The Director of Planning and Regulation will be responsible for the Designated Neighbourhood Area, contiguous with parish area and can approve the area designation only (i.e. Must legally designate except where part is already designated, or part is separately proposed to be designated at that time).

The Cabinet Member with the relevant portfolio will be responsible to designate the Neighbourhood Area, to approve or refuse designation of neighbourhood forum, 13 weeks unless multiple forum applications for the same area.

The Cabinet Member with the relevant portfolio will be responsible to decide on whether to proceed to referendum accepting all examiners recommendations within 5 weeks.

Housing

The Director of Housing will be responsible for the executive functions relating to the use of property owned within the Council's Housing Revenue Account, and the ability to change the use and eligibility of accommodation for specific properties on a case-by-case basis (including the ability to close accommodation), and the ability to order the demolition of accommodation.

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Matters Delegated to Individual Cabinet Members

Cabinet Member	Date of Delegation	Delegation
Cabinet Member for Finance and Asset Management	19 December 2019	<p><i>Property Investment Portfolio Analysis and Strategy Report</i> <i>Cabinet resolved at its meeting on 19 December 2019 to note that the Leader will delegate the authority for decisions in relation to individual property transactions to the Cabinet Member for Finance and Asset Management.</i></p>
Cabinet Member for Citizen Focused Services and Council Companies	19 September 2025	<p><i>Decision as Shareholder in relation to the submission of bids by Oxford Direct Services Limited and Oxford Direct Services Trading Limited for tender opportunities as reserved to the Shareholder in the Shareholder Agreement with the companies</i></p> <p><i>(For information: The Leader, on behalf of the Shareholder, resolved on 19 September 2025 to delegate the authority for decisions in relation to Bids for Oxford Direct Services Limited and Oxford Direct Services Trading Limited. The amendment to the constitution will ensure this is captured for transparency.)</i></p>

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5. Who carries out Council responsibilities?

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

5.1 Council responsibilities

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

Officers who have had something delegated to them (and those officers who manage them) can authorise officers they line manage or other officers with the relevant skills and responsibilities to do it on their behalf (unless it was delegated on condition that they do it themselves) but will remain responsible and accountable for the exercise of the delegated function.

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

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

5.2 Budget and policy framework

(a) Description of responsibility

The budget, including decisions to allocate money to services and projects, set up contingency funds, set the Council Tax base, set the Council Tax,

control the Council's borrowing requirement, control capital spending, set a limit on the amount that can be transferred between cost centres and agree the treasury management strategy.

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

- Council Strategy
- Budget and Medium Term Financial Plan (including the Capital Programme and Housing Revenue Account Business Plan)
- Allocations Scheme
- Asset Management Plan
- Capital Strategy
- Community Engagement Policy Statement
- Development Plan documents
- Housing and Homelessness Strategy
- Housing Asset Management Strategy
- Tenancy Strategy and Tenancy Policy
- Thriving Communities Strategy
- Treasury Management Strategy (including the Borrowing Strategy, Investment Strategy and Minimum Revenue Position Statement)
- Sustainability Strategy
- Vibrant Active Oxford Strategy

(b) Who carries out the responsibility?

- Council.

5.3 Planning

(a) Description of responsibility

All the responsibilities in Paragraph A and column (1) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and

1. the power to deal with agreements under s.278 of the Highways Act 1980;
2. the duty to deal with complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003;
3. the power to preserve trees under the Sections 197 to 214D of the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Tree Preservation) (England) Regulations 2012;
4. the power to authorise the stopping up or diversion of rights of way under Section 257 of the Town and Country Planning Act 1990;

5. the power to protect important hedgerows under the Hedgerows Regulations 1997; and
6. the power to authorise rights of entry under section 324 of the Town and Country Planning Act 1990, sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990 and sections 36 and 36A of the Planning (Hazardous Substances) Act 1990.
7. the power to revoke or modify hazardous substances consents under section 14(2) of the Hazardous Substances Act 1990 and to take all associated actions thereafter to secure the revocation or modification of those consents.

(b) Who carries out the responsibility?

Council will be responsible for:

- Development plan documents
- Making a neighbourhood plan

The Oxford City Planning Committee will be responsible for:

- deciding planning applications for more than ten (10) residential units or for residential developments on sites with a site area of over 0.5 hectares
- deciding planning applications for non-residential developments on sites over 1 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 1,000m²
- deciding planning applications made by or on behalf of councillors or officers
- deciding planning applications that would otherwise be decided by officers that have been called in by councillors by 5pm on the last day of the period of 21-days starting with the day on which notice of the application is published on the Council website (Part 17.3). *In instances where there are significant changes to material planning considerations, as determined by the Director of Planning and Regulation, after the initial notice of the application is published on the Council website, those applications should be re-notified as such to councillors. In instances such as these the period of 21-days would restart at the point at which the application is re-notified to councillors*
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications or applications under condition for phone masts where there are objections (except applications that can go ahead, unless the Council refuses them within 56 days)
- dealing with complaints about high hedges when the hedge is on the Council's land or land occupied by a councillor or officer or when the complaint has come from a councillor or officer.

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- deciding whether to register one or more candidate heritage assets having regard to the Council's adopted criteria
- deciding planning applications submitted by organisations in which the Council has a direct financial interest of £1m or greater, excluding treasury management holdings.

Whether or not any of the preceding applies, determining applications under development order conditions which provide that the relevant development may proceed in the absence of a determination are not carried out by the Oxford City Planning Committees and are to be dealt with by the Director of Planning and Regulation.

The Planning Review Committee decides planning applications that have been called in by any twelve councillors or the Director of Planning and Regulation following consideration by the Oxford City Planning Committee (Part 17.3).

The Director of Planning and Regulation has responsibility for all other functions within 5.3(a) including but not limited to:

- (i) deciding applications to renew a planning permission where there has been no change of circumstances;
 - (ii) deciding applications for certificates of lawful proposed or existing development including those submitted by councillors or officers as these are legal determinations;
 - (iii) authorising the completion of agreements made pursuant to section 106 and 106A of the Town and Country Planning Act 1990 (as amended) and associated legislation as well as Deeds of Variation, Supplementation and Discharge of such agreements;
 - (iv) In relation to appeals against non-determination, formulating the Council's response to the application; and
 - (v) the allocation of Community Infrastructure Levy (CIL) monies where planning consent requires a CIL contribution of up to £500,000
- At regular intervals the Council will advise any Neighbourhood Forum how much is in the neighbourhood CIL pot for their area and ask how it would wish the Council to allocate this. The Forum should then consult on its proposed CIL allocations which should include consultation with ward councillors.
- (vi) approval of the Council's flag flying consent under the advertisement consent regime (Town and Country Planning (Control of Advertisements) (England) Regulations 2007
 - (vii) consulting on amendments to conservation areas; to include consultation with local ward members.

5.4 Licensing of alcohol, entertainment and late night refreshment

(a) Description of responsibility

All the responsibilities in the Licensing Act 2003

(b) Who carries out the responsibilities?

Council sets policies on licensing as set out in the Licensing Act 2003 other than those reserved to Committee.

The Licensing and Gambling Acts Committee:

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

The Director of Planning and Regulation. has responsibility for everything else within the Licensing Act 2003.

5.5 Licensing of gambling

(a) Description of responsibility

All the responsibilities in the Gambling Act 2005.

(b) Who carries out the responsibility?

Council sets policies on licensing.

The Licensing and Gambling Acts Committee:

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

The Director of Planning and Regulation. has responsibility for everything else within the Gambling Act 2005.

5.6 Taxi and private hire and other vehicle licensing

(a) Description of responsibility

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

(b) Who carries out the responsibilities?

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

The General Purposes Licensing Committee:

- reviews and recommends policies on taxi and private hire and other vehicle licensing to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- appoints a General Purposes Licensing Casework Sub-committee to:
 - deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers

- decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has been issued with a “minded to refuse notice” and has requested a hearing
- withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

The Director of Planning and Regulation has responsibility for everything else including the immediate suspension of taxi and private hire drivers' licences in the interests of public safety and issuing a minded to refuse notice.

5.7 Other licensing and registration functions

(a) Description of responsibility

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

(b) Who carries out the responsibility?

Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- reviews and recommends policies on licensing and registration to Council
- reviews and recommends to Council fees and charges as necessary in line with the relevant legislation
- agrees a charity collections scheme
- appoints a General Purposes Licensing Casework Sub-committee to:
 - decide sex establishment licence applications when there are objections
 - decide new street trading applications
 - decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.
 - where a trader is in breach of condition as a result of being in arrears, the Director of Planning and Regulation has discretion only to refer significant debt that they feel is not being managed to the General Purposes Licensing Casework Sub-Committee for determination of Consent renewal.
 - decide whether to suspend, extend a period of suspension, end a suspension, vary or revoke a Street Trading Consent for cases referred to the Sub-Committee by the Director of Planning and Regulation.

The Director of Planning and Regulation has responsibility for everything else.

5.8 Health and safety at work

(a) Description of responsibility

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

(b) Who carries out the responsibilities?

The Director of Planning and Regulation.

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

(a) Description of responsibility

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

(b) Who carries out the responsibility?

Council.

5.10 Functions relating to community governance

(a) Description of responsibility

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

(b) Who carries out the responsibility?

Council.

5.11 Byelaws

(a) Description of responsibility

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

(b) Who carries out the responsibility?

Council.

5.12 Power to promote or oppose local or personal bills

(a) Description of responsibility

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

(b) Who carries out the responsibility?

Council.

5.13 Pensions

(a) Description of responsibility

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

(b) Who carries out the responsibility?

The Chief Executive.

An officer authorised by the Chief Executive will act as the Council's adjudicator to determine first stage appeals in respect of decisions under the Adjudication of Disagreements Procedure operated by the Pensions Service.

5.14 Ban on smoking in public places

(a) Description of responsibility

All the responsibilities in the Health Act 2006.

(b) Who carries out the responsibility?

Director of Planning and Regulation.

5.15 Power to enter into an agreement to create a public path on Council owned land

(a) Description of responsibility

All the responsibilities in section 25 of the Highways Act 1980

(b) Who carries out the responsibility?

Director of Economy, Regeneration and Sustainability

5.16 Other Council responsibilities

No	Responsibilities	Legislation	Carried out by
1	Power to appoint staff and to set their terms and conditions (including procedures for dismissing them)	Local Government Act 1972, Section 112	<p>Subject to the Employment Rules (Part 20) Appointments Committee appoints Deputy Chief Executives and Directors and any chief officer any deputy chief officers as defined in legislation. It also recommends to Council appointments of the Chief Executive and designation of Head of Paid Service, Chief Finance (Group Finance Director) Officer and Monitoring Officer (Director of Law, Governance and Strategy).</p> <p>The Chief Executive, or any Deputy Chief Executive or can appoint Service Directors and put in place arrangements for staffing including redesign, restructures and allocation of responsibilities. The Deputy Chief Executives and Directors can only make such arrangements <i>subject to budget approval</i> in relation to their own areas of responsibility.</p> <p>Service Directors appoint everyone else (except Chief Executive appoints where a contract for personal services is used)</p> <p>Council sets collective terms and conditions, to include the Disciplinary Policy, other than pay which is delegated to the Chief Executive to implement in respect of all staff, other than the Chief Executive's own pay and that of any Deputy Chief Executive and Directors, in accordance with national or local pay award/review schemes.</p>

No	Responsibilities	Legislation	Carried out by
			<p>Deciding upon the salary of the Chief Executive, Assistant Chief Executives and Executive Directors is the responsibility of the Appointments Committee other than the Chief Executive, Monitoring Officer and Chief Finance Officer, for who it must make recommendations to Council.</p> <p>The Chief Executive, Deputy Chief Executives, Executive Directors and Service Directors may manage their staff and take any disciplinary action necessary in accordance with the Disciplinary Policy and Procedure subject to the Employment Rules.</p> <p>The Chief Executive shall have delegated authority to amend any HR policy or procedure otherwise reserved to Council where there is a requirement to make changes to comply with the law.</p>
2	Power to make standing orders	Local Government Act 1972, Section 106 and paragraph 42 of Schedule 12	Council
3	Power to make contract rules	Local Government Act 1972, Section 135	Council
4	Duty to arrange proper financial administration	Local Government Act 1972, Section 151	Group Finance Director (Section 151 Officer)
5	Duty to designate Head of Paid Service and provide resources	Local Government and Housing Act 1989, Section 4(1)	Council (but Appointments Committee makes a recommendation)

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No	Responsibilities	Legislation	Carried out by
6	Duty to designate Monitoring Officer and provide resources	Local Government and Housing Act 1989, Section 5(1)	Council (but Appointments Committee makes a recommendation)
7	Powers relating to scrutiny committees (voting rights of co-opted members)	Local Government Act 2000, paragraph 12 and 14 of Schedule 1	Council
8	Power to appoint proper officers	Local Government Act 1972, Section 270(3)	Director of Law, Governance and Strategy
9	Power to issue a closing order to a takeaway food shop	Local Government (Miscellaneous Provisions) Act 1989, Section 4	Director of Planning and Regulation
10	Powers to protect important hedgerows	The Hedgerows Regulations 1997	Director of Planning and Regulation
11	Power to apply for an enforcement order against unlawful works on common land	Commons Act 2006, Section 4	Director of Planning and Regulation
12	Power to protect unclaimed register to common land and unclaimed town or village greens against unlawful interference	Commons Act 2006, Section 45(2)(a)	Director of Planning and Regulation

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No	Responsibilities	Legislation	Carried out by
13	Power to institute proceedings for offences in support of unclaimed registered common land and unclaimed town or village greens	Commons Act 2006, Section 45 (2)(b)	Director of Planning and Regulation
14	Duty to provide resources to a person named by the Monitoring Officer	Local Government Act 2000, Sections 82A (4) and (5)	Council
15	Power to provide compensation when there has been maladministration	Local Government Act 2000, Section 92	Chief Executive
16	Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking	Criminal Justice and Police Act 2001, Section 13(2)	Council
17	Duty to appoint an electoral registration officer	Representation of the People Act 1983, Section 8(2)	Council
18	Power to provide the officers the electoral registration officer needs	Representation of the People Act 1983, Section 52(4)	Electoral Registration Officer
19	Parish and parish council responsibilities	Local Government and Rating Act 1997, Part II	Electoral Registration Officer
20	Power to dissolve small parish councils	Local Government Act 1972, Section 10	Council

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No	Responsibilities	Legislation	Carried out by
21	Power to make orders for grouping parishes, dissolving groups or separating parishes from groups	Local Government Act 1972, Section 11	Council
22	Duty to appoint Returning Officer for local government elections	Representation of the People Act 1983, Section 35	Council
23	Duty to divide constituency into polling districts	Representation of the People Act 1983, Section 18	Council
24	Power to divide electoral divisions into polling districts at local government elections	Representation of the People Act 1983, Section 31	Council
25	Powers to do with holding elections	Representation of the People Act 1983, Section 39(4)	Returning Officer
26	Power to pay electoral registration officer's expenses	Representation of the People Act 1983, Section 54	Council
27	Power to fill empty seats on parish councils when there are not enough nominations	Representation of the People Act 1983, Section 21	Returning Officer
28	Duty to declare vacancy in office	Local Government Act 1972, Sections 86	Returning Officer

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No	Responsibilities	Legislation	Carried out by
29	Duty to give notice of a casual vacancy	Local Government Act 1972, Section 87	Returning Officer
30	Power to make temporary appointments to parish Councils	Local Government Act 1972, Section 91	Returning Officer
31	Power to make proposals for pilot schemes for local elections	Representation of the People Act 2000, Section 10	Council
32	Duty to consult on change of scheme for elections	Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2)	Council
33	Duties relating to certain publicity in relation to electoral matters	Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52	Council
34	Duties relating to notice to Electoral Commission	Local Government and Public Involvement in Health Act 2007, Section 53	Council
35	Functions relating to change of name of an electoral area	Local Government and Public Involvement in Health Act 2007, Section 59	Council

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No	Responsibilities	Legislation	Carried out by
36	Power to alter years of ordinary elections of parish councillors	Local Government and Public Involvement in Health Act 2007, Section 53	Council
37	Senior Information Risk Owner	Local Government Transparency Code 2015	Deputy Chief Executive – City and Citizen Services

6. Role of Cabinet Members

6.1 Role of all Cabinet members

6.2 Principal areas of political responsibility of individual Cabinet members

6.3 Other areas of responsibility

6.4 Role of individual Cabinet members

6.1 Role of all Cabinet members

Some decisions must be agreed by the Cabinet under this Constitution (Part 4.5). These will be taken collectively by all Cabinet members.

6.2 Principal areas of political responsibility of individual Cabinet members

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

(a) Leader of the Council

Partnership Working and Inclusive Economic Growth

(b) Deputy Leader of the Council (statutory)

Finance and Asset Management

(c) Deputy Leader of the Council (non-statutory)

A Zero Carbon Oxford

(d) A Safer Oxford

(e) Citizen Focused Services and Council Companies

(f) Planning and Culture

(g) A Healthy, Fairer Oxford and Small Business Champion

(h) Housing and Communities

6.3 Other areas of responsibility

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

6.4 Role of individual Cabinet members

For their areas of political responsibility, individual Cabinet members will:

(a) Provide political leadership and accountability – this will include representing the Council on certain outside organisations and partnership bodies linked to their executive portfolio responsibilities.

(b) Develop and oversee the Council's work – this will include:

- advising the Cabinet and officers on priorities
- advising the Cabinet and officers on service specification
- advising the Deputy Chief Executives and Service Directors on business and service plans
- advising on bids for government and other funding
- advising project and programme boards

7. Roles of decision taking committees

- 7.1 [Oxford City Planning Committee](#)
- 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 Oxford City Planning Committee

The Oxford City Planning Committee carries out the responsibilities delegated to it in Part 5.3.

7.2 Planning Review Committee

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

7.3 Licensing and Gambling Acts Committee

The Licensing and Gambling Acts Committee carries out the responsibilities delegated to it in Part 5.4 and Part 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 Part 5.6 and Part 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 Annual Governance Statement
 - 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
- approving the Council's Internal Audit Plan
 - Approving the Council's Internal Audit Annual Opinion
 - 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), Deputy Chief Executives, Service Directors, Chief Finance Officer (Group Finance Director) and Monitoring Officer (Director of Law, Governance and Strategy) 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 Cabinet. 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

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.

- (e) 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, to follow the procedure set out in Part 20.8 and Part 20.9 and:
- 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 (“the Panel”) must be sought in accordance with the Employment Rules where the Investigation and Disciplinary 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 Panel 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. Where the matter relates to the Monitoring Officer their Deputy shall assume the role.

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:

- (a) an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
- (b) any other Independent Person who has been appointed by the authority
- (c) 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 (Director of Law, Governance and Strategy) and Group Finance Director (Chief Finance Officer)
- (b) Recommending to Council who to appoint to the position of Chief Executive
- (c) 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
- (d) Appointing Deputy Chief Executives
- (e) Deciding upon the salaries of the Chief Executive, Deputy Chief Executives and Directors

7.9 Standards Committee

- (a) Considering complaints of breaches of the Members' Code of Conduct (Part 22 Annex 1). Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Committee, a Local Hearing Panel will be convened to determine whether there has been a breach of the code. The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.
- (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 following consultation with an Independent Person wherever consultation is practicable. Where consultation with an Independent Person is impracticable, the Monitoring Officer can grant individual dispensations without consultation.
- (e) To receive reports from and advise the Monitoring Officer on training for members.

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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 Cabinet 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 (Part 17.1)
- Monitor the Forward Plan and call for reports on items that are coming up
- Require senior officers (Part 9.1), and Cabinet members to attend meetings and answer questions (Part 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. The membership of panels and review groups will be set by the Scrutiny Committee and can be drawn from all non-executive members but the chair will be accountable to the Scrutiny Committee.

8.3 Roles of the Scrutiny Committee

(a) Developing and reviewing policy

The Scrutiny Committee can:

- Help Council and the Cabinet 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 Cabinet, and Council officers (but not decisions on individual planning or licensing applications)

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- 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.
- Ask Cabinet members, and senior officers (Part 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 in Annex 1.

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 Director of Law, Governance and Strategy is the Monitoring Officer; and the Group Finance Director is the Chief Finance Officer.

9.3 Role of Head of Paid Service

(a) The Head of Paid Service (Chief Executive), 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:

- (i) That the Chief Executive can make interim appointments, of up to twelve months in total, to the senior management structure in order to facilitate projects or to fill a skills gap;
- (ii) That the Chief Executive shall consult with all political group leaders prior to the implementation of any changes to the senior management structure;
- (iii) That the Chief Executive will report to the Appointments Committee within six months of any change to the senior management arrangements being implemented by the Chief Executive;

- (iv) 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; and
 - (v) The references to the senior management structure throughout the Constitution shall be a reference to the structure chart published by the Chief Executive under 9.1 above.
- (b) The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the individual or body which would otherwise have been required to give the necessary authority to act.

In exceptional circumstances, where the Chief Executive has a conflict of interest which would preclude them from making the decision, the Chief Executive may delegate the decision to a Deputy Chief Executive. Where the decision is delegated, the Deputy Chief Executive will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the individual or body which would otherwise have been required to give the necessary authority to act.

Key decision procedures and call in procedures (Parts 15 & 17) will apply to any key decisions taken under this authorisation.

- (c) The Head of Paid Service may authorise any emergency action required on any matter which shall include incurring expenditure, including those falling within the jurisdiction of a Committee or the Cabinet.

The Head of Paid Service, in so acting, will be guided by the budget and policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

Key decision procedures and call in procedures (Parts 15 & 17) will apply to any key decisions taken under this authorisation.

- (d) 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
- (e) The Head of 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.
- (f) The Head of Paid Service must approve any contracts other than a contract of employment when an officer is appointed
- (g) Decisions relating to salary packages for new posts added to the senior management structure where the salary package per annum is above £100k are to be made subject to full Council approval. In addition, any severance arrangements agreed in line with the relevant policies that exceed £100k must be subject to full Council approval.

- (h) The Chief Executive can authorise Council officers to carry out work for or on behalf of other local authorities when a delegation from a local authority has been accepted (Part 3.9). Any such authorisation should be recorded when given. The Chief Executive will report to the Appointments Committee if any authorisations are given to officers to carry out such work on behalf of another authority (Part 7.8(g)).
- (i) In consultation with the Monitoring Officer, to consider applications from post holders in roles deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts”.
- (j) The Head of Paid Service can approve amendments to any HR policies, which are otherwise reserved to Full Council, to the extent required from to reflect legislative changes without the requirement to have such changes approved by Full Council where they are required due to the change in law.

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 Cabinet 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 Cabinet 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, Cabinet, 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.

(h) Protection of Freedoms Act 2012

The Monitoring Officer will perform the role of the Senior Responsible Officer for the Council.

(i) General Data Protection Regulation 2015 (EU 2016/679) and Data Protection Act 2018.

The Monitoring Officer will perform the role of Data Protection Officer for the Council.

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

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

9.6 Role of Chief Finance Officer (Section 151 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 Cabinet 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.

(f) Carry forwards

The Chief Finance Officer can approve single budgetary carry forwards up to £10,000

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

All employees, including the Deputy Chief Executives and Service Directors 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.

Senior Management Structure – July 2025



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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. The Monitoring Officer has delegation to make amendments to Proper Officer designations to reflect changes to the senior management structure.

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 in the following table includes any amendments, re-enactments and subordinate legislation.

Table of proper officer’s responsibilities

Legislation		Responsibility	Proper officer
Local Public Services Data Handling Guidelines & Public Sector Network Information Assurance Conditions	N/A	Acting as the Council’s Senior Information Risk Officer	Deputy Chief Executive – Citizens and Services
General Data Protection Regulation 2015 (EU 2016/679) and Data Protection Act 2018		Acting as the Council’s Data Protection Officer	Monitoring Officer
Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Director of Planning and Regulation

Legislation		Responsibility	Proper officer
Public Health Act 1961	Section 37	Controlling verminous things	Director of Planning and Regulation
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	Director of Law, Governance and Strategy
	Section 100D	Listing background papers for reports and making copies available	Each Director of Service for their service area reports
	Part VA	Access to information	Director of Law, Governance and Strategy
	Section 115(2)	Receiving money due from officers	Group Finance Director
	Section 146(1) (a) and (b)	Making declarations and certificates about transferring securities on alteration of area	Group Finance Director
	Section 173-178	Keeping records of councillors' allowances	Director of Law, Governance and Strategy
	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	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)	Director of Law, Governance and Strategy
	Section 225	Deposit of documents	Director of Law, Governance and Strategy
	Section 228	Inspection of documents	Director of Law, Governance and Strategy
	Section 228(3)	Making accounts available for Councillors to look at	Group Finance Director
	Section 229(5)	Certifying photocopies of documents	Director of Law, Governance and Strategy
	Section 234	Signing notices, orders and other documents which the Council is required or authorised to issue by or under any enactment	All Directors. The Director of Housing Services 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	Director of Law, Governance and Strategy
	Section 238	Certification of byelaws	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Section 248	Keeping a list of freemen/freewomen of the city	Director of Law, Governance and Strategy
	Schedule 12, Para 4(1A)(b)	Authenticating a summons to attend a meeting	Director of Law, Governance and Strategy
	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	Director of Law, Governance and Strategy
	Schedule 14 Para 25	Certifying resolutions passed under this Paragraph	Director of Law, Governance and Strategy
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	Director of Law, Governance and Strategy
Local Authorities Cemeteries Order 1977	Article 10	Signing exclusive burial rights	Director of Citizens and City Services
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	Director of Economy, Regeneration and Sustainability 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 (Chief Executive)

Legislation		Responsibility	Proper officer
	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	Director of Law, Governance and Strategy
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

Legislation		Responsibility	Proper officer
			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	Director of Planning and Regulation
	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	Legal Services Manager
	Section 15-17	Allocating seats on committees	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Section 18	Arrangements in respect of the scheme of members' allowances	Director of Law, Governance and Strategy
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	Director of Law, Governance and Strategy
Social Security Administration Act 1992	Section 110A	Issuing Authorisations	Group Finance Director
Local Government Act 2000	Chapter 4	Dealing with changing governance arrangements	Director of Law, Governance and Strategy
	Section 99 and 100	Regarding councillors' allowances and having regard to all relevant regulations, including The Local Authorities (Members' Allowances)(England) Regulations 2003	Director of Law, Governance and Strategy
Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	Director of Law, Governance and Strategy
	Schedule 3	Provisions relating to disciplinary action	Director of Law, Governance and Strategy
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Regulation 3	Recording of executive decisions made at meetings	Director of Law, Governance and Strategy
	Regulation 4	Admission of public to meetings of the executive	Director of Law, Governance and Strategy
	Regulation 5	Procedures prior to private meetings of the executive	Director of Law, Governance and Strategy

Legislation		Responsibility	Proper officer
	Regulation 6	Procedures prior to public meetings of the executive	Director of Law, Governance and Strategy
	Regulation 7	Access to agenda and connected reports for public meetings of the executive	Director of Law, Governance and Strategy
	Regulations 9-11	Publicity and procedure in connection with key decisions	Director of Law, Governance and Strategy
	Regulation 12	Recording of executive decisions made at meetings	Director of Law, Governance and Strategy
	Regulation 13	Recording of executive decisions made by individuals	Director of Law, Governance and Strategy
	Regulation 14	Inspection of documents following executive decisions	Director of Law, Governance and Strategy
	Regulation 15	Inspection of Background Papers	Each Director for their service area reports
	Regulation 16	Exemptions from rights of access to certain documents	Director of Law, Governance and Strategy
	Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Director of Law, Governance and Strategy

11. Council procedures

- 11.1 Order of business at annual meeting of Council
- 11.2 Selection and appointment of civic office holders
- 11.3 Order of business at ordinary meetings of Council
- 11.4 Council budget debate procedure
- 11.5 Special meetings of Council
- 11.6 Time and place of Council meeting
- 11.7 Quorum for Council
- 11.8 Changing the order of business
- 11.9 Minutes
- 11.10 Reports to Council
- 11.11 Questions and statements by councillors
- 11.12 Addresses by the public
- 11.13 Rejecting addresses and questions
- 11.14 Petitions to full Council
- 11.15 Reports and questions about organisations on which the Council is represented
- 11.16 Reports by the Chair of the Scrutiny Committee
- 11.17 Motions on notice
- 11.18 Motions without notice
- 11.19 Rules of debate
- 11.20 Voting
- 11.21 Excluding the public and officers
- 11.22 Councillors' behaviour
- 11.23 Disruption by the public
- 11.24 Suspending and changing the procedures in this section
- 11.25 Urgent Business

Annex to Section 11

OXFORD CITY COUNCIL PETITIONS SCHEME

11.1 Order of business at annual meeting of Council

The order of business will be:

- (a) Election of the Lord Mayor
- (b) Appointment of the Deputy Lord Mayor
- (c) Appointment of the Sheriff
- (d) Apologies for absence

- (e) Declarations of interest
- (f) Announcements from the Lord Mayor or the Head of Paid Service
- (g) Election of the Leader (in the year in which this is required – Part 1.4(g))
- (h) Report from the Leader on the appointment of the Deputy Leader, Cabinet members and the executive scheme of delegation
- (i) Appointment of committees
- (j) Appointment of any other committees
- (k) Agreement of how Council responsibilities will be carried out (Part 5)
- (l) Any other business on the agenda

11.2 Selection and appointment of civic office holders

The convention is that the civic office holders i.e. the Lord Mayor, the Deputy Lord Mayor and the Sheriff will be selected for nomination to Council on the basis of cumulative length of service. Members of the Cabinet cannot service as Lord Mayor or Deputy Lord Mayor.

For each of the civic offices the Leader will offer the nomination, for the next municipal year, to the longest serving eligible councillor (based on cumulative service at the start of that municipal year) who has not held that particular office. Should that councillor decline, the Leader will proceed to the next longest serving eligible councillor until the nomination is accepted. Nominated Councillors must have served at least four full years as a Councillor. If no suitable Councillor accepts the nomination, a member who has previously served as Lord Mayor, Deputy Lord Mayor or Sheriff may be nominated

Should there be two or more councillors with the same length of service the Leader will make offers in alphabetical order using last names.

The results of this process will be announced by the Leader at the March Council meeting or one as close to this as possible. In City Council election years the outcome will be checked before the Annual Council meeting and should any of the councillors selected no longer be members of Council the Leader will offer the nomination again based on the process already described above.

At the Annual Council meeting the Lord Mayor will be elected and the Deputy Lord Mayor and Sheriff will be appointed. The current Lord Mayor shall preside over the election of their successor unless they are ineligible to do so, in which case the current Deputy Lord Mayor shall preside. No councillor shall preside over their own election as Lord Mayor, Deputy Lord Mayor or Sheriff.

11.3 Order of business at ordinary meetings of Council

The order of business will be:

Part 1 – Public Business

- (a) Election of chair (if the Lord Mayor and Deputy Lord Mayor are absent)
- (b) Apologies for absence
- (c) Declarations of interests

- (d) Announcements from the Lord Mayor, Sheriff, Leader, Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (e) Appointments to committees
- (f) Approval of the minutes of the last meeting of Council as a correct record, and those of any earlier meetings that have not already been approved
- (g) Public addresses that relate to a decision at the meeting (Part 11.12 and 11.13)
- (h) Any unfinished business from the last meeting (but motions not dealt with in the time available do not count as unfinished business)
- (i) Urgent business (Part 11.25)
- (j) Recommendations from the Cabinet
- (k) Reports for decision by the meeting
- (l) Minutes from the Cabinet
- (m) Questions by councillors to members of the Cabinet and committee chairs (Part 11.11 (b))
- (n) Any other business for decision or information including any business for which a motion to exclude the press and public is to be put to Council

Part 2 – Public Involvement and Scrutiny

- (o) Public addresses other than those taken in part 1 of the meeting (Part 11.12 and 11.13)
- (p) Consideration of petitions (Part 11.15);
- (q) Reports and questions about organisations the Council is represented on (Part 11.16)
- (r) Report by the Chair of the Scrutiny Committees (Part 11.16)
- (s) Recommendations and reports from scrutiny committees

Part 3 – Motions – Representing the City

- (t) Motions on notice (Part 11.17).

11.4 Council budget debate procedure

Order of business for the Council meeting(s) where the Council's budget, capital programme and medium term financial strategy for the following year(s) are discussed and the Council Tax is set.

All amendments will be subject to the normal rules of debate except for those at Part 7(h)(iii) which will be taken as read by the meeting.

Part 1 – Public business

Constitution - Oxford City Council

- (a) Election of chair (if the Lord Mayor and Deputy Lord Mayor are absent)
- (b) Apologies for absence
- (c) Declarations of interest
- (d) Announcements from the Lord Mayor, Leader, Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (e) Consideration of any proposed amendments to the budget debate procedure.
- (f) Public addresses relating to a decision at this meeting (a maximum of 30 minutes in total)
- (g) Report of the Council's Chief Finance Officer on the soundness of the financial proposals before Council
- (h) Council's budget, capital programme and medium term financial strategy as recommended by the Cabinet (to last no more than 1 hour and 25 minutes excluding the debates at 11.4(h)ii. All speakers will have 3 minutes unless otherwise stated. All speakers will be nominated in advance to Committee and Member Services (democraticservices@oxford.gov.uk) by 9.00am one working day before the meeting. The Lord Mayor will decide the order speakers are taken subject to advice from Group Leaders. Additional speakers will only be taken by the Lord Mayor should time allow.

Debate on this item shall be:

- (i) Proposal by the relevant Cabinet member (15 minutes)
 - (ii) Amendments submitted by opposition groups (proposers may speak for up to 10 minutes). These amendments must be received by Committee and Member Services by 1.00pm three working day before the meeting. These proposals will be voted on as one amendment for each group.
 - (iii) Individual amendments submitted in writing to the Committee Services Officer in advance of the meeting or at least 15mins before the start of this item at the meeting, on the form provided (40 minutes in total). Amendments will be taken in the order submitted to the Committee Services Officer on the form provided and will be taken "as read" by the meeting and voted on. A proposer and seconder is required. Should the proposer and seconder agree, amendments can be taken in groups. Any amendments not taken within the time fall.
 - (iv) Debate on the budget presented by the Cabinet, as amended (30 minutes or the remaining time overall, whichever is the greater).
- (i) Recorded vote on the budget, capital programme and medium term financial strategy recommended by the Cabinet (as amended).
 - (j) Adjournment for at least 10 minutes if necessary
 - (k) Setting of the Council Tax for the following year.
 - (l) Recorded vote on the proposed Council Tax.
 - (m) Any other items for decision which are related to the business above
 - (n) Items for decision which must be determined before the next ordinary meeting.

There will be no other business at this meeting except with the agreement of the Lord Mayor, Leader and opposition group leaders: there will be no part 2 or part 3 of the ordinary agenda.

The Leader or in their absence the Deputy Leader shall indicate before debate which amendments they will accept without a vote.

The Chief Finance Officer shall report on the soundness of the amendments before these are debated.

Amendments shall be presented in writing with financial information and reasons; taken as read without the requirement for the proposer to speak; and taken in order as presented to the Committee and Member Services Manager before the start of debate on amendments.

11.5 Special meetings of Council

The Chief Executive can be required to call a special meeting by Council, the Lord Mayor, the Monitoring Officer, the Chief Finance Officer or any twelve councillors.

The Chief Executive may also call a special meeting at their discretion.

Special meetings will only deal with the business they have been called for but they may receive addresses by the public (Part 11.12(d)).

Special meetings must be convened for awarding Freedom of the City and the enrolment of Honorary Aldermen and Honorary Alderwomen.

11.6 Time and place of Council meeting

Ordinary meetings, including the annual meeting, usually start at 5.00 p.m unless otherwise agreed by the Lord Mayor in consultation with the Monitoring Officer. The times of Special meetings are decided by the Monitoring Officer. Meetings are usually held in the Council Chamber in the Town Hall.

Meetings shall conclude no more than four hours after the published start time.

11.7 Quorum for Council

The quorum will be a quarter of all councillors.

If a quorum is not present at the time the meeting is due to start, the start time of the meeting will be put back by 15 minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged. If a meeting becomes inquorate part of the way through, business will halt for five minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged.

11.8 Changing the order of business

The Lord Mayor can ask Council to agree to change the order of business (Part 11.1 and 11.3), except for the first two items at annual meetings.

11.9 Minutes

(a) Signing the minutes

At the first ordinary meeting when the minutes are available, the Lord Mayor will move that the minutes of previous meetings are correct and sign them. Council will not discuss the minutes except to agree corrections.

(b) No minutes of previous meetings will be considered at annual or special meetings. Minutes are not signed at annual meetings or special meetings. They are signed at the next ordinary meeting instead.

11.10 Reports to Council

(a) Officers can be asked to introduce reports.

(o) Reports and recommendations from the Cabinet will be moved by the Leader or one of the Cabinet members. Reports and recommendations from committees will be moved by the chair of the committee (or another member of the committee they have nominated). Reports from officers may be moved by any member.

(p) The person moving a report can withdraw all or part of it, correct mistakes or make minor changes.

(q) After any questions, statements and amendments to recommendations to Council have been acted upon, the Cabinet or committee or officer recommendation will be voted upon and adopted subject to any agreed amendments.

11.11 Questions and statements by councillors

Questions and statements by councillors may only be directed to and answered by councillors during the meeting. Questions cannot be directed to or answered by officers during the meeting, with the exception of questions relating to matters of the law and procedure, which must be asked through the Lord Mayor who will seek advice from the Monitoring Officer or Chief Finance Officer.

Questions and statements by councillors cannot take longer than three minutes each unless the Lord Mayor agrees. Responses from councillors to whom a question or statement is directed cannot take longer than three minutes unless the Lord Mayor agrees.

(a) Questions and statements without notice

- A councillor can ask a question without notice to anyone making an announcement under 11.3(d)
- A councillor can ask a question or make a statement without notice to:
 - the Leader or a Cabinet member about a recommendation, report or action of the Cabinet
 - the Leader or a Cabinet member about a decision of the Cabinet
 - the chair of the Scrutiny Committee about a recommendation, report or action of the committee

Questions on Cabinet minutes (Part 11.3 (k)) are limited to 15 minutes in total.

(c) Questions on notice

- Questions on notice by councillors must be about something the Council is responsible for or something that directly affects people in the city.
- The full wording of questions on notice must be emailed to democraticservices@oxford.gov.uk or received by the Director of Law, Governance and Strategy by 1.00 p.m. at least seven clear working days before the Council meeting.
- Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair and relate directly to their role as the Lord Mayor, a Cabinet member or a committee chair. A Cabinet member can nominate another Cabinet member to reply.
- The Director of Law, Governance and Strategy will determine the order of questions on notice and may group similar questions.

(d) Supplementary questions

One supplementary question can be asked without notice. This must be addressed to the councillor who replied to the first question and must arise directly from the first question or the reply. No further supplementary questions are allowed.

(e) Answering questions

Members answering questions may answer verbally or offer to provide a written response within 5 working days of the meeting, which will be circulated and added to the minutes.

11.12 Addresses by the public

(f) Public addresses at Council

- Members of the public may address Council for up to five minutes. This can be about anything the Council is responsible for or something that directly affects people in the city or something for decision at the meeting. A member of the public making an address may be accompanied by up to three other members of the public.
- Subject to 11.12(b) addresses will be taken in the order in which they are received by the Director of Law, Governance and Strategy but at two points in the order of business, namely:
 - If the address relates to a matter for decision at the meeting, during Part 1 of the order of business (11.3 (g))
 - If the address does not relate to a matter for decision at the meeting, during Part 2 of the order of business (11.3 (n))
 - If the address relates to a motion on notice for consideration at the meeting, during Part 2 of the order of business (11.3(n))

(b) Number of public addresses

There shall be no limit to the total number of addresses to any ordinary Council meeting but the total time permitted for public addresses and public questions is 45 minutes. There will be a limit of one address per individual at a meeting and priority will be given to hearing members of the public who have not spoken at Council within the last 12 months. Supplementary questions from the public will not be allowed.

The public speaker must stick to the submitted address except with the Chair's permission and the Lord Mayor has discretion to curtail the address if the public speaker departs from the submitted address.

(c) Annual meeting

There will not be any public addresses to the annual meeting.

(d) Special meetings

Addresses will only be taken at a special meeting if they are about a topic the special meeting is discussing and the Lord Mayor has agreed that public addresses will be included on the agenda for that meeting.

(e) Notice

The full wording of an address must be received by the Director of Law, Governance and Strategy by 5.00 p.m. at least three clear working days before the Council meeting.

Members of the public who submit an address may withdraw it from consideration at the meeting, provided they notify democraticservices@oxford.gov.uk by 12noon on the day of the meeting that the address is due to be heard at. Before consideration of that item, Council will be informed that the address has been withdrawn, which will be reflected in the minutes.

(f) Number of addresses

Council will hear one spoken address on each topic. If there is more than one request to speak on a topic, the five minute limit for the address shall be shared by those wishing to speak.

On issues where there are arguments for and against, Council can hear one speaker for and one against.

(g) Addresses that are about something for decision at the meeting

If an address is about something that is for decision at the meeting it will be considered with that recommendation or report or motion.

(h) Addresses that are not about something that is for decision at the meeting

If an address is not about something that is for decision at the meeting, it will be referred to the Chief Executive without discussion. The Chief Executive will send a written reply within 10 working days after having it investigated by an officer or discussed by the Cabinet or a committee. But the Cabinet member

may make a response to an address at the meeting up to a maximum of three minutes if they choose.

(i) Personal attacks and individual personal circumstances

Addresses must not contain personal attacks nor must they relate to individual personal circumstances. If an address contains a personal attack or if individual personal circumstances are mentioned, the Lord Mayor will ask the speaker to stop. If the personal attack or reference to individual personal circumstances continues, the Lord Mayor will ask the speaker to stop. If the speaker refuses to stop straight away, the Lord Mayor can ask the speaker to leave and adjourn the meeting until they do.

11.13 Rejecting addresses and questions

The Director of Law, Governance and Strategy can reject a public address or a question on notice by a councillor, and the Lord Mayor can reject an address or question without notice, if:

- It is not in a full prose format but is provided in short bullet points and does not reflect a copy of a speech to be made in its entirety
- it is not about something the Council is responsible for, unless it directly affects people in the City, the Council is able to make representations on the issue.
- In all cases where it is considered potentially defamatory, or otherwise frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information (Part 15.4)
- it relates to individual personal circumstances
- a substantially similar question or address has been submitted on the topic within the last six months, whether or not by the same individual
- the request is made in relation to a matter for decision before Council but relates solely to the wider topic and not the recommendations for consideration

If an address or question is rejected by the Director of Law, Governance and Strategy or the Lord Mayor reasons must be given.

11.14 Petitions to full Council

A petition containing at least 1,500 signatures will be debated at Council if the petition organiser makes a request for a debate in writing directly to the Director of Law, Governance and Strategy. Debate on each petition is limited to 15 minutes in total. Any such petition must be debated individually and cannot be debated alongside any other item on the agenda.

Requests must be sent in writing, accompanied by the petition, to the Director of Law, Governance and Strategy at least 3 weeks prior to the Council meeting. Any

petition presented as part of an address (11.12) directly to Council and that contains at least 1,500 signatures will not be debated at that meeting but at the next ordinary meeting.

Council will receive a report setting out the petition and the steps Council can take, any relevant information and, where possible, setting out a recommended course of action for Council.

The petition organiser may address Council upon the petition for up to five minutes before the debate upon the petition at that next ordinary meeting.

If a Member wishes to put a substantive motion/recommendation on a petition they must let the Director of Law, Governance and Strategy have that motion/recommendation by 5pm at least three clear working days before the Council meeting, indicating that the motion/recommendation is submitted in respect of a petition. These would then be published in the Council briefing note. Any such motion/recommendation on a petition will be considered as part of the debate on the petition and will not affect the rotation between the different political groups in relation to the order of Motions on Notice at each meeting. Any amendments to these would have to be with Committee and Members' Services by 10.00am on the day of the meeting.

Following debate on the petition, Council must pass a resolution agreeing the action it wishes to take.

The procedure for Council to discuss a Petition would be as follows:

- Address from the Petition Proposer (5 mins)
- Debate on petition
- Debate on any submitted motion

Where a petition has been submitted with under 1500 signatures, the petition will be responded to during business by officers

11.15 Reports and questions about organisations on which the Council is represented

All councillors will be able to ask for a report to be given at Council by the council representative on a significant change or important event provided they make that request by 5.00 pm at least eight clear working days before a meeting to enable it to be added to the agenda for publication.

Members who make such a request may present a written or oral report on the event or the significant decision and how it may influence future events.

Members who are Council representatives on external bodies or chairs of council committees who consider that a significant decision or event has taken place, will give notice to the Director of Law, Governance and Strategy by 1.00 pm at least one clear working day before the meeting to present a written or oral report on the event or the significant decision and how it may influence future events.

Each ordinary meeting of Council can receive a written report concerning the work of one of the partnerships upon which the Council is represented.

11.16 Reports by the Chair of the Scrutiny Committee

Each ordinary meeting of Council shall receive a written report from the Council's Scrutiny Committee on the work of the Committee. That report shall be included in the agenda of the meeting. The Chair of the Scrutiny Committee may report orally if there are matters arising from the work of the Committee that the Chair considers Council should know about without delay.

11.17 Motions on notice

(a) Giving notice of motions

Some motions may be moved without notice. These are listed at 11.19. For all other motions, with the exception of urgent cross-party motions, the full wording must be set out within the pro forma for motions supplied by officers and emailed by Group Leaders to democraticservices@oxford.gov.uk or received from Group Leaders by the Director of Law, Governance and Strategy by 1.00 pm at least seven clear working days before the meeting. The Director of Law, Governance and Strategy will review motions submitted after the submission deadline has passed and contact proposers by 5.00 pm at least seven clear working days before the meeting to confirm whether their motion is accepted or requires changes in order to comply with the provisions set out in the Constitution. Where changes are required, the Director of Law, Governance and Strategy will provide advice on compliance to proposers and any changes must be emailed to democraticservices@oxford.gov.uk by 10.00 am at least six clear working days before the meeting. If the motion, incorporating the changes, complies with the Constitution it will be accepted; any changes received after 10.00 am at least six clear working days before the meeting will be rejected and the motion will not be listed on the agenda. Accepted motions will be reproduced on the agenda for the meeting.

Councillors are strongly advised to engage with the relevant service areas well in advance of the submission deadline for motions, to ensure that the implications of a motion, if carried, can be determined.

(b) Topic of motions

Motions must be about things the Council is responsible for or something that directly affects people in the city. They must not be ultra vires, unlawful, potentially defamatory or offensive in nature. Where motions require some action on behalf of the Council, such actions must be clearly assigned.

(c) Length of motions

Motions must be limited to a maximum of 500 words. All motions where making an assertion of fact may provide references for the facts included. Footnotes are not included in the word limit and must only be used for references.

(d) Listing motions on the agenda

Motions will appear on the agenda in an order that will rotate between the different political groups at each meeting. Political Groups where their motion

was heard at the previous meeting will be moved to the end of the rotation. Subject to this rotation, motions will appear and be taken in the order they were received by the Director of Law, Governance and Strategy:

- all cross party motions will be taken first:
- a cross-party motion is one supported in writing by all the leaders of the political groups on the Council
- a motion supported by fewer than all the political group leaders is not cross party and will be listed in the appropriate order for the proposer's group
- a single motion can be proposed and seconded by members of different political groups
- a single motion from an independent/ non-group councillor will be taken at the end of each 'cycle' of political groups' motions, listed in order of receipt
- The Annual Council in May resets the order of motions

(e) Time limits

There is a time limit of 60 minutes for dealing with all motions but no time limit for dealing with each motion.

Where the time limit for dealing with motions has elapsed but Council is part way through debate on a motion, debate on that motion will conclude after the current speaker's time limit has elapsed and Council will immediately move to a vote on that motion unless the Council passes a motion to extend the time limit under 11.19(k).

The Lord Mayor may determine that, on the closure of one motion, there is insufficient time to take the next motion where less than 10 minutes of the 60 minutes remain and move to end the item on motions on notice.

(f) Amendments to motions (see also 11.20 (f))

Substantive amendments to motions must be submitted by 10.00 am on the working day before the Council meeting so that they may be circulated with the briefing note. The word limit for the motion, as amended is 650 words.

Amendments to cross-party motions must be supporting in writing by all the leaders of the political groups on the Council.

Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

(g) Motion to remove the Leader

Any motion to remove the Leader and replace them with another Leader must be signed by no less than twelve councillors and emailed to democraticservices@oxford.gov.uk or received by the Director of Law, Governance and Strategy by 1.00 pm at least seven clear working days before the meeting. This motion will be reproduced on the agenda for the meeting.

(h) Monitoring Officers' advice on motions

For motions to be effective they must be lawful and implementable.

The Monitoring Officer has a duty to ensure that the Council acts lawfully and properly and will review motions and motion amendments submitted by councillors prior to their publication to ensure they are consistent with these principles. If the Monitoring Officer has concerns that the publication or agreement of a motion or motion amendment submitted by a councillor would not be in the Council's interests, within these parameters, the Monitoring Officer will offer advice to the councillor who submitted the motion or motion amendment.

If the Monitoring Officer considers a motion or amendment to be unlawful, vexatious, defamatory, frivolous, offensive, beyond the powers and remit of the Council, related to employees or otherwise improper the Monitoring Officer will return it to the councillor who submitted it along with an explanation in writing about why it cannot be published in its current form.

The Monitoring Officer shall, if need be as a last resort, give a ruling as to whether the motion or amendment can be included on the agenda or briefing note circulated for the meeting.

- (i) Implementation of any Council motion that has clear financial and/or resourcing implications will be subject to a report to the Cabinet setting out those implications.

11.18 Motions without notice

There is no need to give notice of motions to:

- (a) appoint a chair of the meeting
- (b) agree or correct the minutes
- (c) refer something somewhere else (i.e. refer a matter to another committee, where it falls within the remit of that committee)
- (d) agree or amend recommendations of the Cabinet, Council committees or officers
- (e) withdraw a motion
- (f) amend a motion during a debate on it (11.20 (g))
- (g) got to next business (11.20(k))
- (h) move to a vote (11.20(k))
- (i) adjourn a debate or meeting (11.20(k))
- (j) suspend a Council procedure (11.26 (a))
- (k) hold a discussion in private (when allowed under the access to information and key decision procedures – Part 15)
- (l) hear a councillor no further (11.24(c))
- (m) exclude a councillor from the meeting (11.24(d))
- (n) give Council's agreement when it is required by the Constitution.

11.19 Rules of debate

(a) No speeches until motion moved and seconded

No speeches can be made on a motion until it has been moved and seconded.

(b) Seconder's speech

A councillor who formally seconds a motion or amendment can speak immediately upon seconding that motion or later in the debate.

(c) Contents and length of speeches

Speeches (except for points of order and personal explanations (11.20(l) and 11.20(m))) must be about the item being discussed. Speeches will last a maximum of three minutes unless otherwise agreed.

(d) When a councillor can speak again

A councillor who has already spoken in a debate cannot speak again except to:

- exercise their right of reply (11.20(i))
- make a point of order (11.20(l))
- make a point of personal explanation (11.20(m))

(e) Amendments to motions - relevance

An amendment must be relevant to the motion and must be a proposal to add, replace or leave out words.

Amendments to add, replace or leave out words must not negate the motion.

(f) Amendments to motions (see also 11.18(f))

Substantive amendments to motions must be submitted by 10.00 am on the working day before the Council meeting so that they may be circulated with the briefing note.

Amendments to cross-party motions must be submitted by 10.00 am on the working day before the Council meeting so that they may be circulated with the briefing note and must be supported in writing by all the leaders of the political groups on the Council.

Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

Minor spelling or grammatical amendments may be notified at the meeting and accepted without discussion at the Lord Mayor's discretion. They need not be written down and circulated.

(g) Debate on amendments

The Lord Mayor can allow two or more amendments to be discussed together. But they must be voted on separately.

If any amendment is carried, the amended motion replaces the original motion. Any further amendments will be to the amended motion.

If any amendment is not carried, any further amendments will be to the original motion.

Where an amendment is submitted which the proposer of the original motion wishes to accept, they may change their own motion without notice to reflect the amendment, in accordance with the provisions set out in 11.20(h) provided that any amendment does not take the word count of the motion over 650 words.

Where a minor technical or limited wording amendment is submitted, it will be debated and voted on immediately before debate on the motion or amendment to which it relates.

If any minor technical or limited wording amendment is carried, it will replace the original motion or original amendment and any further amendments will be to the motion or amendment, as amended.

If any minor technical or limited wording amendment is not carried, any further amendments will be to the original motion or original amendment.

The same amendment cannot be moved twice.

(h) Councillor changing their own motion

A councillor can change a motion they have moved without notice if both the meeting and the seconder agree. The meeting will accept or reject the change without discussion by way of a vote.

The councillor can only make changes that could have been made as an amendment.

The councillor can only change their own motion to accept an amendment submitted and circulated with the briefing note, to propose a minor technical or limited wording amendment, or to make a minor spelling or grammatical amendment (see 11.20(f)).

(i) Right of reply

A councillor who moves a motion has a right to reply at the end of the debate, immediately before the vote.

If an amendment is moved, the councillor who moved the original motion has the right to reply at the end of the debate on the amendment immediately before the vote on the amendment but not before.

A councillor who moves an amendment has the right to reply immediately before the councillor who moved the original motion.

If an amendment to an amendment is moved, the councillor who moved the original amendment has the right to reply at the end of the debate on the amendment to the amendment immediately before the vote on the amendment to the amendment but not before.

A councillor who moves an amendment to an amendment has the right to reply immediately before the councillor who moved the original amendment.

(j) Motions that can be moved during debate

When a motion is being debated, no other motions can be moved except for the following procedural motions:

- to withdraw a motion
- to go to next business (11.20(k))
- to move to a vote (11.20(k))
- to adjourn the meeting or debate (11.20 (k))
- to hold a meeting in private (when allowed under the access to information and key decision procedures (Part 15))
- to hear a councillor no further (11.24 (c))
- to exclude a councillor from the meeting (11.24 (d))

(k) Motions to end or postpone the debate

After a speaker has finished speaking any councillor can move to go to next business or propose to move to a vote or adjourn the debate or meeting. They must do this without comment.

If a motion to go to next business is seconded and the Lord Mayor thinks the meeting has discussed the item enough, the mover of the original motion will have the right of reply. Council will then vote on whether to go to next business. If Council agrees to go to next business, the original motion will not be voted on and will not become a resolution of Council. The original motion will not be included on the agenda of the next ordinary meeting unless resubmitted by the proposer in accordance with 11.18(a).

If a motion to move to a vote is seconded and the Lord Mayor thinks the meeting has discussed the item enough, Council will vote on whether to take the vote on the original motion. If Council decides to take the vote, the mover of the original motion will have the right to reply. Then Council will vote on the original motion without further debate.

If a motion to adjourn the debate or meeting is seconded and the Lord Mayor thinks it is not possible to give the item enough discussion at the current meeting, Council will vote on whether to adjourn. The mover of the original motion will not have the right of reply before this vote. If carried, the debate will be adjourned and the item included on the agenda of the next ordinary meeting and will be subject to usual time limits and political group rotations, unless withdrawn by the proposer.

(l) Points of order

A councillor can make a point of order at any time by raising their hand and stating point of order. The Lord Mayor will hear a point of order immediately, but the member must not speak beyond declaring they have a point of order until indicated by the Lord Mayor. A point of order must be about the law or a Council procedure being broken. The councillor must say which law or procedure is being broken and how. The Lord Mayor will consider the Monitoring Officer's advice when deciding on a point of order and the Lord Mayor's decision will be final.

(m) Points of personal explanation

A councillor can give a personal explanation at any time by raising their hand and stating they wish to make a personal explanation. The member should not speak further than declaring they have a personal explanation until indicated by the Lord Mayor. This must be about something they have said in the past that they feel is now being misunderstood or misrepresented. The Lord Mayor will have the final say over what counts as a personal explanation.

11.20 Voting

1. Majority

(a) Unless the Constitution says otherwise, votes will be decided by a simple majority of councillors in their seats and voting.

(b) Lord Mayor's second or casting vote

If there is the same number of votes for and against, the Lord Mayor will have a casting vote.

(c) Method of voting

Votes can be:

by the general agreement of the meeting, if there is no one against

by show of hands

named or recorded (11.21(d) and 11.21(e)).

(d) Named votes

Any ten councillors present at the meeting can ask for the minutes to name who voted for, who voted against and who abstained on a vote.

When Council is voting upon setting the Council's budget or setting the Council Tax a named vote must be taken. ¹

(e) Right to have individual vote recorded

1 Regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 provides that after any "budget decision meeting" the names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded. A "budget decision meeting" means a meeting of the relevant body at which it -

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

Any councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.

(f) Voting on appointments

If there are three or more candidates for a position and none has more than half the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes.

(g) Voting on reports where the recommendation is 'to note'

Where the recommendations of a report are for Council 'to note' its contents, there is no requirement for a proposer, seconder, or vote and Council may note the report via general assent.

11.21 Excluding the public and officers

The public and officers can only be excluded if it is under the access to information rules (Part 15) or if they are making a personal attack (11.12 (i)) or disrupting the meeting (11.23).

11.22 Councillors' behaviour

(a) Speaking at Council

When they speak at Council, councillors must address the Lord Mayor. Only one councillor may speak at any one time.

(b) Lord Mayor standing

If the Lord Mayor stands during a debate, any councillor who is speaking must stop speaking. The meeting must be silent.

(c) Councillor not to be heard further

If a councillor keeps on disrupting the meeting, the Lord Mayor can move that the councillor is not heard further. If seconded, the motion will be voted on without being discussed.

(d) Councillor to leave the meeting

If Council has voted not to hear a councillor further and the councillor continues to disrupt the meeting, the Lord Mayor can move that the councillor leaves the meeting or that the meeting is adjourned. If seconded, the motion will be voted on without being discussed.

(e) General disturbance

If a group of councillors are making it impossible for Council to do its business, the Lord Mayor can halt the meeting for as long as necessary.

11.23 Disruption by the public

(a) Disruption by an individual

If a member of the public is disrupting the meeting, the Lord Mayor will warn them. If they carry on disrupting the meeting, the Lord Mayor can halt the meeting until they leave.

(f) Clearing part of the meeting room

If there is a general disturbance in a part of a meeting room open to the public, the Lord Mayor can have the area cleared.

11.24 Suspending and changing the procedures in this section

(a) Suspending the procedures in this section

All the Council procedures in this section can be suspended except 11.8 (changing the order of business), 11.9 (b) (no minutes at annual or special meetings) and 11.20 (e) (right to have individual vote recorded). A procedure can be suspended if at least half of all councillors are present and there is a simple majority in favour. No notice is needed for a motion to suspend a procedure. Procedures can only be suspended until the end of the meeting.

(b) Changing the Council procedures in this section

Any motion to change the procedures in this section must be proposed and seconded. After this, it will not be discussed until the next ordinary meeting of Council.

11.25 Urgent Business

The Council may deal with business even though it is not on the Agenda so long as:

- (a) the business is raised by a Motion on Notice under Rule 14 (Motions on Notice);
- (b) the Motion on Notice is delivered to the Director of Law, Governance and Strategy not later than 4 hours before the start of the Meeting;
- (c) the Lord Mayor, or Council, if put to a vote, decide that the business is urgent (see Rule a); and
- (d) the agenda relating to the Meeting states that the Council may deal with urgent business at that Meeting.

Should the Lord Mayor determine that a matter is not urgent on the advice of the Monitoring Officer then the decision shall be final, subject to such reasons being explained to the meeting. Where there is no definitive view from the Monitoring Officer any member may, supported by [10] or more member by a show of hands, may request that the matter be put to a vote to determine if it should be heard. Should the majority determine in any vote that the matter is urgent (whether put to the meeting by the Lord Mayor or by a member supported by ten others) then Council will debate it under Rule 11.20 Rules of Debate. Where it is determined that the matter is not urgent, the matter shall be deferred to the next Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting).

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Annex 1 to Part 11: Council procedures

Oxford City Council petitions scheme

We will treat something as a petition if it is identified as being a petition and if it is formally submitted to the relevant Director or the Director of Law, Governance and Strategy.

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 Director of Law, Governance and Strategy, accompanied by the text of the petition and the list of signatures, and a link to the petition if relevant. Petitions run through e-petition sites that must be formally submitted by the organiser at the end of the signature gathering period: simply setting the petition up on such a site does not constitute formal submission.

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- The name and address and signature of any person supporting the petition. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. If the petition does not identify a petition organiser, we will not be able to respond to the petition.
- Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted and we will not take any action on these.
- In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss the revised timescale which will apply.
- The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition and may take such action as is appropriate.
- If we can do what your petition asks for, we may confirm what action we have taken.
- If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures can be obtained from the Director of Law, Governance and Strategy.
- If we are not able to take action (for example if what the petition calls for conflicts with council policy; involves other partners or parties; is not within our control; is unaffordable, impractical or not legal; or conflicts with other priorities of the community), then we will tell you this. You can find more information on the services for which the council is responsible on our About Us page on our website.

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- If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body or where possible will work with our partners to respond to your petition.
- If your petition is about something that a different Council or body or agency is responsible for, we will tell you and ask you to send the petition to them.

12. Cabinet procedures

- 12.1 Who carries out executive responsibilities within the Council?
- 12.2 Date and place of meetings
- 12.3 Quorum
- 12.4 Vacancies on the Cabinet
- 12.5 How are decisions taken at Cabinet meeting?
- 12.6 Who chairs Cabinet meetings?
- 12.7 Order of business
- 12.8 Who can put items on the Cabinet agenda?
- 12.9 Forward Plan
- 12.10 Addresses from Members of the Public
- 12.11 Councillors speaking at meetings
- 12.12 Councillors speaking on neighbourhood issues
- 12.13 Items raised by Cabinet Members
- 12.14 Gaps in these procedures

12.1 Who carries out executive responsibilities within the Council?

Executive responsibilities are carried out by the Leader, the Cabinet or delegated to officers.

12.2 Date and place of meetings

The Cabinet meets on dates agreed by the Leader. Meetings are at the Town Hall or another place agreed by the Leader.

Meetings shall conclude no more than four hours after the published start time.

12.3 Quorum

The quorum is three. Substitutes are not allowed.

12.4 Vacancies on the Cabinet

A councillor can resign from the Cabinet by writing to the Director of Law, Governance and Strategy. If a Cabinet member resigns from the Cabinet or stops being a councillor, the Leader may replace that Cabinet member, and any replacement will become effective upon notification of the name of the new Cabinet member to the Director of Law, Governance and Strategy.

12.5 How are decisions taken at Cabinet meeting?

Decisions are taken by a majority of members present and voting. If there is the same number of votes for and against, the chair can use a casting vote. Voting is by show of hands.

Any councillor can ask for the minutes to record whether they voted for, voted against or abstained on a vote. The request must be made immediately after the vote.

12.6 Who chairs Cabinet meetings?

The Leader will chair Cabinet meetings or appoint someone else to chair them.

If the Leader or the person they have appointed is absent, the Cabinet can appoint another Cabinet member to act as chair. If the Leader or the person they have appointed arrives part of the way through a meeting, the acting chair will finish the item they are on and hand over the chair.

12.7 Order of business

The order of business will be:

- Apologies for Absence
- Declarations of interest
- Leader's Announcements
- Minutes of the previous meeting.
- Addresses by members of the public
- Councillor addresses on any item for decision on the Cabinet's agenda
- Councillor addresses on neighbourhood issues
- Items raised by Cabinet Members
- Report from the Scrutiny Committee
- Items for decision, including reports from Cabinet members
- Dates of Future Meetings

This procedure can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

12.8 Who can put items on the Cabinet agenda?

The Chief Executive, Monitoring Officer or Chief Finance Officer can put an item on the agenda if it will help them carry out their duties in those roles. If the item is urgent, they can require a special meeting to consider it.

No one else can put items on the agenda.

Special meetings will only deal with the business they have been called to deal with.

12.9 Forward Plan

All matters on the Cabinet agenda must have appeared on the Forward Plan (Part 15.16)

12.10 Addresses from Members of the Public

Members of the public can submit addresses in writing about any item for decision at the meeting. The full text of the address, stating the relevant agenda item, must be received by the Director of Law, Governance and Strategy by 5.00pm three

clear working days before the meeting. An address may last for no more than five minutes. The public speaker must stick to the submitted address except with the Chair's permission and the Leader has discretion to curtail the address if the public speaker departs from the submitted address.

Addresses can be submitted either by letter or by email (cabinet@oxford.gov.uk).

Addresses may be rejected by the Monitoring Officer on the basis as set out at Part 11.13 of this Constitution.

Responses to the addresses will be provided in writing at the meeting; supplementary addresses will not be allowed. If it is not possible to provide an answer at the meeting it will be included in the minutes.

The Chair has discretion in exceptional circumstances to agree that a submitted address or related statement (dealing with matters that appear on the agenda) can be asked verbally at the meeting. In these cases, the address is limited to 3 minutes and will be answered verbally by the Chair or another Cabinet member or an officer of the Council.

For this agenda item the Chair's decision is final.

12.11 Councillors speaking at meetings

Oxford City councillors may, when the chair agrees, address the Cabinet on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Director of Law, Governance and Strategy by 5:00pm three clear working days before the meeting, stating the relevant agenda items. An address may last for no more than five minutes. If an address is made, the Cabinet member who has political responsibility for the item for decision may respond or the Cabinet will have regard to the points raised in reaching its decision.

12.12 Councillors speaking on neighbourhood issues

At each meeting 10 minutes is available for any City Councillor to raise local issues on behalf of communities directly with the Cabinet. The member seeking to make an address must notify the Director of Law, Governance and Strategy by 9.30am at least one clear working day before the meeting, giving outline details of the issue. Priority will be given to those members who have not already addressed the Cabinet within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Cabinet. The Cabinet's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

12.13 Items raised by Cabinet Members

Such items must be submitted within the same timescales as addresses and will be for discussion only and not for a Cabinet decision. Any item which requires a decision of the Cabinet will be the subject of a report to a future meeting of the Cabinet.

12.14 Gaps in these procedures

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If there is a gap in these procedures, the chair of the Cabinet will decide what to do.

13. Scrutiny Committee procedures

- 13.1 Number of scrutiny committees
- 13.2 Membership of the Scrutiny Committee
- 13.3 Co-opted members of the Scrutiny Committee
- 13.4 Scrutiny Committee meetings
- 13.5 Quorum
- 13.6 Chair and Vice Chair of Scrutiny Committee
- 13.7 Programme of work
- 13.8 Agenda
- 13.9 Policy review and development
- 13.10 Reports on scrutiny reviews
- 13.11 Arrangements for the Cabinet to comment on reports to Council
- 13.12 Scrutiny Committee members' rights to see documents
- 13.13 Duty of Cabinet members and officers to attend the Scrutiny Committees
- 13.14 Whipping
- 13.15 Order of business at the Scrutiny Committee
- 13.16 Public speakers at Scrutiny Committee
- 13.17 Councillors Speaking at Scrutiny Committee
- 13.18 Call-In Procedure
- 13.19 Standing Working Group and Review Groups
- 13.20 Gaps in these procedures

13.1 Number of scrutiny committees

Council has appointed one Scrutiny Committee.

13.2 Membership of the Scrutiny Committee

(a) Members of the Scrutiny Committee

The Scrutiny Committee has twelve members. The number of members from each political group will be in proportion to its size.

Members of the Scrutiny Committee and their substitutes must be councillors but they cannot be members of the Cabinet.

(b) Conflicts of interest

Members of the Scrutiny Committee should not scrutinise decisions they have made but such occurrences will be rare because no member of the Cabinet can be a member of the Scrutiny Committee.

(c) Substitutes

Members of the Scrutiny Committee can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for a whole meeting. A councillor cannot take over from their substitute or hand over to them part of the way through. For Working Groups and Review Groups, substitutes can be nominated for each individual meeting.

If a councillor wants to send a substitute, they must tell the Committee and Member Services Manager the name of their substitute before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the Cabinet. Substitutes cannot be appointed to attend meetings of a Working Group or Review Group established by the Committee.

(d) Procedures when a Councillor resigns from the Scrutiny Committee

A councillor can resign from a committee by writing to the Director of Law, Governance and Strategy. A replacement member will be appointed at the next Council meeting.

(e) Procedure when a Scrutiny Committee member stops being a councillor

If a Scrutiny Committee member stops being a councillor, a replacement member will be appointed at the next Council meeting.

13.3 Co-opted members of the Scrutiny Committee

The Scrutiny Committee can appoint non-voting co-opted members to serve for a specific policy review or until the next annual Council.

At the discretion of the Committee, residents and other specialists may be co-opted as non-voting members of the Committee, Standing Working Groups and Review Groups, as the subject matter dictates for a period ending no later than the day of the first meeting of the next council year. The Committee may discontinue an appointment at any time.

13.4 Scrutiny Committee meetings

The Scrutiny Committee meets on dates set by Council.

The Director of Law Governance and Strategy, in consultation with the Chair of the Scrutiny Committee, can decide to call a special meeting.

The Director of Law, Governance and Strategy can be instructed to call a special meeting by the chair of the Scrutiny Committee or any four Councillors. The instruction must be in writing and must describe the business to be done.

The Director of Law, Governance and Strategy will consult the chair about the time and place of a special meeting.

Special meetings will only deal with the business they have been called to deal with.

If a Scrutiny Committee has nothing to do at one of its fixed meetings, the Director of Law, Governance and Strategy can cancel it after consulting the chair.

Meetings shall conclude no more than four hours after the published start time.

13.5 Quorum

The quorum for the Scrutiny Committee is four.

13.6 Chair and Vice Chair of Scrutiny Committee

(a) Election of Chair and Vice Chair

The Scrutiny Committee will elect a Chair and Vice Chair from among its voting members at the first meeting after annual Council. The chair of the Scrutiny Committee must be an opposition councillor.

(b) Resignation of Chair or Vice Chair

If a councillor wants to resign as Chair or Vice Chair, they must write to the Director of Law, Governance and Strategy. A new Chair or Vice Chair will be elected at the Committee's next ordinary meeting.

13.7 Programme of work

The Scrutiny Committee sets its own programmes of work but must review anything it is asked to review by Council (13.8(c)).

The Scrutiny Committee Work Plan will consist of a number of issues for consideration informed by consultation with all councillors and senior officers. Guidance criteria for prioritising work will be provided by the Scrutiny and Governance Advisor, but the Committee is responsible for agreeing its Work Plan.

The Work Plan will be reviewed at every meeting and adjusted to reflect the wishes of the Committee and take account of changes to the Forward Plan of executive decisions.

Items will be taken forward as resources allow, and the Committee must provide officers with sufficient notice and guidance on what they are requesting to consider, mindful of the impact on resources and the constraints of the organisation. The Scrutiny Committee and its Working Groups will provide as much notice as is possible when commissioning reports from council officers (minimum 8 weeks).

The management of the Work Plan will be with the whole Committee, with the Chair and Vice-Chair taking an organisational role between meetings.

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Director of Law, Governance and Strategy at least 10 working days before the meeting and the item is relevant to the Scrutiny Committee. All Councillor Calls for Action and Call-Ins will be considered at a public meeting of the Committee.

Members of the public can also suggest a topic for the Work Plan. Suggestions can be submitted in person or via email acscrutiny@oxford.gov.uk.

The Chair will report regularly to Council on the work of the Scrutiny Committee (see also 11.17). The Committee may also produce an annual report.

13.8 Agenda

(a) Putting items on the agenda

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Director of Law, Governance and Strategy 10 working days before the meeting. The item must be relevant to the Scrutiny Committee.

(b) Speaking on agenda items

Any member of the public and any councillor who is not a member of the Scrutiny Committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for.

(c) Requests for reviews from Council

The Scrutiny Committee must review anything Council asks it to review as soon as it can make space in its programme of work.

(d) Requests for reviews from the Cabinet

The Scrutiny Committee can (but does not have to) review things the Cabinet asks it to review.

13.9 Policy review and development

The Scrutiny Committee's role in developing the budget and policy framework is referred to in Part 16.2.

In areas that are not covered by the budget and policy framework, the Scrutiny Committee can suggest policies for the Cabinet to develop.

The Scrutiny Committee can hold inquiries and consider future policy. This may involve appointing advisers, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else that is necessary.

13.10 Reports on scrutiny reviews

(a) Committee report

At the end of each policy review, the Scrutiny Committee will send a report to the Cabinet (if it is about executive responsibilities) or to Council (if it is about Council responsibilities).

(b) Minority report

For each policy review, there can be a minority report giving any dissenting views. The Cabinet or Council will consider the minority report at the same time as the committee report.

(c) Which report is the committee report and which is the minority one?

Each committee member can sign one report but no more than one. The report with the most signatures will be the committee report.

(d) Timing

Once a report reaches the Director of Law, Governance and Strategy:

- The Cabinet must consider it at its next ordinary meeting if it is about executive responsibilities

- Council must consider it at its next ordinary meeting if it is about Council responsibilities.
- In each case if the next meeting is within seven clear working days of the report reaching the Director of Law, Governance and Strategy then the report will go to the next meeting after that.

13.11 Arrangements for the Cabinet to comment on reports to Council

When the Scrutiny Committee sends a report to Council, the Director of Law, Governance and Strategy will send a copy to each member of the Cabinet. Council must consider Cabinet member comments on anything that affects the budget and policy framework.

13.12 Scrutiny Committee members' rights to see documents

Scrutiny Committee members' rights to see document are set out in Part 15.11.

13.13 Duty of Cabinet members and officers to attend the Scrutiny Committees

(a) Duty to attend

The Scrutiny Committee can require members of the Cabinet and officers in the senior management structure (Part 9.1) to attend meetings and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the budget and policy framework

The Scrutiny Committee can also require Cabinet Members and their advisors to attend and answer questions about shareholder decisions relating to companies wholly or partly owned by the Council and the performance of those companies.

(b) Procedure for attending

The Director of Law, Governance and Strategy will tell the councillor or officer that they are required to attend, what it is about and whether they need to produce a report or provide papers.

The councillor or officer must be given reasonable time to compile information.

13.14 Whipping

Political groups should not pressure their members over how they speak or vote at Scrutiny Committee meetings.

13.15 Order of business at the Scrutiny Committee

The order of business will be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Chair's Announcements
- Minutes of previous meeting
- Addresses by members of the public
- Councillor addresses on any item for discussion on the Scrutiny agenda
- Substantive reports
- Scrutiny work plan
- Cabinet responses to Scrutiny recommendations
- Endorsement of Recommendations from Working Groups
- Dates of future meetings

The Chair has the discretion to amend the order of the agenda items.

This order can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

13.16 Public speakers at Scrutiny Committee

Members of the public can submit addresses in writing about any item for discussion at the meeting. The full text of the address, stating the relevant agenda item, must be received by the Director of Law, Governance and Strategy (acscrutiny@oxford.gov.uk) by 5pm at least three clear working days. Addresses can be submitted either by letter or by email and may last for no more than five minutes.

The public speaker must stick to the submitted address except with the Chair's permission and the Chair of the Committee has discretion to curtail the address if the public speaker departs from the submitted address.

Addresses may be rejected by the Monitoring Officer on the basis as set out at Part 11.13 of this Constitution.

Members of the Scrutiny Committee can ask questions to the public speaker.

13.17 Councillors Speaking at Scrutiny Committee

Oxford City councillors may, when the chair agrees, address the Scrutiny Committee on an item for discussion on the agenda. The member seeking to make an address must notify the Director of Law, Governance and Strategy (acscrutiny@oxford.gov.uk) by 5pm at least three clear working days before the

meeting, stating the relevant agenda items. An address may last for no more than five minutes.

Members of the Scrutiny Committee can ask questions to the Councillor.

13.18 Call-In Procedure

If a decision has been called-in by 4 Members, or the Chair of the Scrutiny Committee, the Committee will review the item. The Order of Business for this item will be:

- Introduction from Members who called in decision
- Local Members to comment (if appropriate)
- Response from Cabinet and Corporate Leadership Team
- Deliberation and Outcome

13.19 Standing Working Group and Review Groups

(a) Establishment of Groups

The Scrutiny Committee can set up Standing Working Groups and Review Groups each year to consider selected issues in more detail.

(b) Functions of Standing Working Groups

Standing Working Groups will hold meetings throughout the year, and consider quarterly performance reports, executive decisions and other issues within their remit.

(c) Functions of Review Groups

Review Groups will be formed to undertake issue-led and time-bound 'task and finish' reviews of specific issues. Review Groups will conclude their work with a report and recommendations, to be presented to the Cabinet or the Council.

(d) Meeting protocols

Both Standing Working Group and Review Group meetings will be held in private and virtually. Hybrid meetings will not be possible due to capacity constraints.

The quorum for standing working groups and review groups shall be two councillors.

(e) Appointment and accountability of Group Chairs

Group Chairs will be elected at the first meeting of the Committee in the municipal year. Review Group Chairs will be elected by the Committee when the groups are established.

Chairs of both Standing Working Groups and Review Groups will be accountable to the Scrutiny Committee and can be from any political group. Chairs of Standing Working Groups and Review Groups will report back to the Committee on progress and outcomes. They may also be invited to present their reports and recommendations to the Cabinet.

(f) Frequency of meetings

- Standing Working Groups will meet approximately 5 times each year.
- Review Groups will meet as often as is required for them to conclude their work.

The Scrutiny Committee will oversee the work of Review Groups to ensure they do not overrun unduly.

(g) Additional meetings

Any additional meetings of Standing Working Groups must be approved by the Director of Law, Governance and Strategy to ensure the capacity of the Scrutiny and Governance Advisor and the Committee and Member Services team is not exceeded.

(h) Scope and final agreement on recommendations

The Scrutiny Committee will commission and scope the work of Standing Working Groups and Review Groups. The Scrutiny Committee has final agreement on their recommendations.

Where there is no Scrutiny Committee meeting scheduled before a Cabinet or Shareholder and Joint Venture Group meeting to endorse a Working Group recommendation, authority is delegated to the Scrutiny and Governance Advisor, in consultation with the Chair of the Scrutiny Committee, to forward the recommendations to the executive. The recommendations and Cabinet response will then be reported to the Committee at the next available meeting.

(i) Capacity

In any given year, the organisation ordinarily has capacity to support either:

- 2 Standing Working Groups and 3 Review Groups; or
- 3 Standing Working Groups and 2 Review Groups

(j) Substitution and Political Group Allocations

For substitutions at Standing Working Groups and Review Groups, see Part 13.2(c).

The Scrutiny Committee will set the membership of both Standing Working Groups and Review Groups, drawing from all non-executive members. Political groups will be asked to nominate members to any such groups for agreement by the Committee. Standing Working Groups and Review Groups are not required to reflect the Council's political composition.

(k) Handling of unused seats

Where a political group does not wish to take-up its allocation of a seat on a Standing Working Group or Review Group, it will first be offered to political groups that would not normally have a seat allocation through the cross-party principle guide for appointment to Standing Working Groups and Review Groups. The seat will be offered to those political groups in priority order based on strongest entitlement to a seat as per political proportionality calculations. Should there be no take-up of the seat after offering to other political groups, the Scrutiny Committee will decide what to do.

(l) Seat allocation dispute

Where two or more political groups have the same entitlement to a seat based on political proportionality calculations, but where there are not enough available seats to allocate to all those political groups, the Scrutiny Committee will decide what to do.

13.20 Gaps in these procedures

If there is a gap in these procedures, the Chair will decide what to do.

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14. Other Committee procedures

- 14.1 Which committees do these procedures apply to?
- 14.2 Appointment and membership of committees
- 14.3 Quorums and substitutes
- 14.4 Vacancies on committee
- 14.5 Chair and Vice Chair
- 14.6 Meetings of committees and sub-committees
- 14.7 Substitutes
- 14.8 Speaking on agenda items
- 14.9 Councillors Speaking on agenda items
- 14.10 Disruption by the public
- 14.11 Voting at committee meetings
- 14.12 Planning committee procedures
- 14.13 Licensing committee procedures
- 14.14 Audit and Governance Committee procedures
- 14.15 Standards Committee procedures
- 14.16 Appointments Committee
- 14.17 Gaps in these procedures

14.1 Which committees do these procedures apply to?

These procedures apply to the:

- Appointments Committee (Part 20 (Employment Rules))
- Oxford City Planning Committee
- Audit and Governance Committee
- Disciplinary Committee for Chief Executive, Deputy Chief Executives, Service Directors and Statutory Officers (Part 20 (Employment Rules))
- General Purposes Licensing Committee
- General Purposes Licensing Casework Sub-Committee
- Licensing and Gambling Acts Committee
- Licensing and Gambling Acts Casework Sub-Committee
- Planning Review Committee
- Standards Committee

14.2 Appointment and membership of committees

Council is responsible for appointing and dissolving committees and for agreeing their membership and roles. Committees are responsible for appointing any sub-committees. Apart from the Licensing and Gambling Acts Committee and any sub-committees it appoints the number of members from each political group on committees will be in proportion to the size of the group. When appointing to committees or sub-committees where political balance requirements apply, Council or the committee making the appointment will have regard to the nominations made by political groups and will only deviate from appointing those members in exceptional circumstances with reasons.

There must always be at least one scrutiny committee and a committee that carries out responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

14.3 Quorums and substitutes

Committee	Size	Quorum	Substitutes
Appointments Committee	5 (including at least one member of the Cabinet)	3 (including at least one member of the Cabinet)	Permitted
Planning Review Committee	9	5	Permitted. Councillors should not sit or substitute unless they have undertaken compulsory planning and development control training (held every two years)
Oxford City Planning Committee	11	5	Permitted. Councillors should not sit or substitute unless they have undertaken compulsory planning and development control training (held every two years)
Audit and Governance Committee	7	3	Permitted

Committee	Size	Quorum	Substitutes
Investigation and Disciplinary Committee	4 (including at least one member of the Cabinet)	3 (including at least one member of the Cabinet)	Permitted but unless they are unavoidably indisposed or conflicted Members should comprise the Committee over the course of a matter (or related matter) until it is disposed of
General Purposes Licensing Committee	15	5	Not permitted
General Purposes Licensing Casework Sub-Committees	3	2 (but the meeting can only proceed at quorum if the person appearing before it agrees)	Permitted from members of General Purposes Licensing Committee. Councillors should not sit or substitute unless they have undertaken compulsory licensing training (held annually)
Licensing and Gambling Acts Committee	15	5	Not permitted
Licensing and Gambling Acts Casework Sub-Committees	3	3	Permitted from members of the Licensing and Gambling Acts Committee. Councillors should not sit or substitute unless they have undertaken compulsory licensing training (held annually)
Standards Committee	7 Councillors 1 non-voting co-opted member representing the Oxford Parish Council	3 Councillors	Permitted

If quorum cannot be made 15 minutes after the advertised start of the meeting, the meeting is cancelled.

14.4 Vacancies on committee

(a) Procedure when a councillor resigns from a committee

A councillor can resign from a committee by writing to the Director of Law, Governance and Strategy. A replacement will be appointed at the next Council meeting.

(b) Procedure when someone stops being a councillor

If someone stops being a councillor, any replacement committee member will be appointed at the next Council meeting.

14.5 Chair and Vice Chair

(a) Election of Chair and Vice Chair

The Chair and Vice Chair are elected each year at the first meeting of the committee after Annual Council.

The Chair and Vice Chair of all the committees must be councillors.

The Chair of the Audit and Governance Committee must not be a member of the Cabinet.

The voting procedure for the election of Chair (and in so far as the same principles apply, Vice Chair) is as follows:

- (i) Each voting member of the committee will be entitled to one vote.
- (ii) The Committee and Member Services Officer will invite nominations for Chair, which will need a proposer and seconder.
- (iii) Proposers and nominees may be invited to briefly address the committee on why they should be elected.
- (iv) Where there are one or two nominations, the Chair will be elected by a majority of those present and voting. Where there is one nomination, the nominee must be proposed and seconded but no vote is required; the Chair would be elected unopposed.
- (v) Where there are more than two nominations, votes will be taken for each nominee (each member can only vote for one candidate). If one nominee receives a majority of the votes from those members present and voting, then they will be elected as Chair. If not, then the candidate with the lowest number of votes will be eliminated and the committee will vote again (as before each voting members has one vote), until one nominee receives a majority of the votes from those members present and voting.
- (vi) In circumstances where there is a tie in the number of votes for nominees, lots will be drawn (or similar). This would also apply to members tied for elimination in circumstances where there are more than two nominees.

(vii) Members can be nominated and elected as Chair in their absence in which case the Vice Chair will assume the chair for the meeting.

(b) If the Chair and Vice Chair are absent

If the Chair and Vice Chair are absent, a committee can elect another councillor to chair the meeting. If the Chair or Vice Chair arrives part of the way through the meeting, the acting chair will finish the agenda item they are on and hand over the Chair (unless the Chair or Vice-Chair has appointed a substitute) (14.7)

(c) Resigning as chair or vice chair

If a councillor wants to resign as Chair or Vice Chair, they must write to the Director of Law, Governance and Strategy. A new chair or vice chair will be elected at the committee's next ordinary meeting.

14.6 Meetings of committees and sub-committees

(a) Cancelling or rescheduling a meeting

If a committee has insufficient business for one of its fixed meetings, the Director of Law, Governance and Strategy can cancel or reschedule it after consulting the chair of the committee or sub-committee.

The Director of Law, Governance and Strategy may cancel or reschedule a meeting in exceptional circumstances in consultation with the Chair, Group Leaders and the Chief Executive, if the agenda has already been published.

(b) Special meetings

The Director of Law, Governance and Strategy or the Chief Executive can arrange a special meeting after consulting the chair of the committee or sub-committee.

Special meetings will only deal with the business they have been called to deal with.

(c) Time and Place of Committee Meetings

Ordinary meetings usually start at 6.00pm unless otherwise agreed by the Committee.

Meetings shall conclude no more than four hours after the published start time.

14.7 Substitutes

Substitutes are not permitted for the Licensing and Gambling Acts Committee or the General Purposes Licensing Committee.

Only members of the parent committee can act as substitutes on a licensing sub-committee.

For other committees, a member of the Committee can send another councillor as their substitutes. The substitute will have the powers of an ordinary member of the committee for that meeting.

Substitutions must be for the whole meeting. A member of a committee cannot take over from their substitute or hand over to them part of the way through the meeting.

Substitutes cannot appoint substitutes of their own.

If a member of a committee wants to send a substitute, they must tell the Committee and Member Services Manager the name of their substitute before the meeting.

14.8 Speaking on agenda items

Specific rules on public speaking apply to meetings of Planning Committee, Planning Review Committee, General Purposes Licensing Casework Sub-Committee and Licensing and Gambling Acts Casework Sub-Committee.

For all other committees where the press and public are not excluded (Council, Cabinet, Scrutiny Committee, Audit and Governance Committee, Standards Committee, General Purposes Licensing Committee and Licensing and Gambling Acts Committee) any member of the public can speak on any agenda item for up to five minutes and should register to speak by 5.00 pm three clear working days before the meeting, including the full text of the address speech submitted to the Director of Law, Governance and Strategy (democraticservices@oxford.gov.uk). The public speaker must stick to the submitted address except with the Chair's permission and the Chair of the Committee has discretion to curtail the address if the public speaker departs from the submitted address.

Addresses may be rejected by the Monitoring Officer on the basis as set out at Part 11.13 of this Constitution.

14.9 Councillors Speaking on agenda items

For all other committees where the press and public are not excluded (Cabinet, Scrutiny Committee, Audit and Governance Committee, Standards Committee, General Purposes Licensing Committee and Licensing and Gambling Acts Committee) Oxford City councillors can register to speak for up to five minutes on any agenda item by notifying the Director of Law, Governance and Strategy (democraticservices@oxford.gov.uk) by 5.00 pm three clear working days before the meeting.

14.10 Disruption by the public

(a) Disruption by an individual

If a member of the public is disrupting the meeting, the chair will warn them that unless they desist they will be asked to leave. If they carry on disrupting the meeting, the chair can adjourn the meeting until they leave.

(b) Clearing part of the meeting room

If there is a general disturbance in a part of a meeting room open to the public, the chair can have the area cleared.

14.11 Voting at committee meetings

Constitution - Oxford City Council

The following voting rules will apply other than for voting to elect a Chair or Vice Chair (14.5(a))

(a) Majority voting

Votes will be decided by a simple majority of councillors in their seats and voting.

(b) Chair's second or casting vote

If there is the same number of votes for or against, the chair will have a casting vote.

(c) Votes can be:

- By the general agreement of the meeting, if there is no one against
- By a show of hands
- Named or recorded

(d) Right to have individual vote recorded

Any councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.

(e) Recorded votes

Any two councillors present at a meeting can ask for the minutes to name who voted for, who voted against, and who abstained on a vote.

14.12 Planning committee procedures

(a) Appointments to planning committees

Council may not appoint a councillor to more than one planning committee. Any councillor that determines an application at the Oxford City Planning Committee cannot re-determine the same application at the Planning Review Committee.

The Oxford City Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within all wards

(b) Who can put items on planning committee agendas?

The Director of Planning and Regulation, the Director of Law, Governance and Strategy and the relevant proper officer can put items on planning committee agendas.

(c) Order of business at Oxford City Planning Committee meetings

The order of business at Oxford City Planning Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)

- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Applications for decision
- Forthcoming applications
- Dates of future meetings

The order of business at Planning Review Committee meetings will be:

- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Applications for decision that have been called in following consideration by the Oxford City Planning Committee
- Dates of future meetings

(d) Public speaking at planning committees

Members of the public and councillors (Part 24.17) can speak to planning committees in support of an application, against it, or to request changes or conditions.

Those wishing to speak must register with the Committee Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on, and whether they are objecting to or supporting the application.

Those objecting to an application may speak for up to five minutes in total. Those in support may speak for the same length of time. Where more than one person wishes to speak for or against an application the time will be shared. Unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair.

(e) Written statements at planning committee meetings

Any written statements that members of the public or councillors wish to be considered must be sent to the Planning Officer by noon two working days before the day of the meeting.

Any material received at the meeting will not be accepted or circulated.

14.13 Licensing committee procedures

(a) Who can put items on licensing agendas?

The Director of Law, Governance and Strategy, The Director of Planning and Regulation and the relevant proper officer and the relevant proper officer can put items on licensing committee and sub-committee agendas.

Decisions due to be taken by the Committee and recommendations to Council must have appeared on the Forward Plan at least one month before the meeting, unless agreed by the Chief Executive, Section 151 Officer or the Monitoring Officer.

(b) Order of business at licensing committee meetings

The order of business at licensing committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Addresses by members of the public
- Councillor addresses on any item for decision
- Appointments to sub-committees (at the first meeting after annual Council)
- Items for decision or information
- Dates of future meetings

(c) Public speaking at Licensing and Gambling Acts Casework Sub-Committee meetings

Members of the public and councillors can make a representation to object to or support a premises licence application. Only those people who have made representations in writing within 28 days of an application being made can speak at Licensing & Gambling Acts Casework Sub-Committee meetings.

(d) Written statements at licensing sub-committee meetings

Any written statements that members of the public, applicants, or councillors wish to be considered by a licensing sub-committee must be submitted to the Licensing Authority at least two working days before the meeting.

(e) Order of business for Licensing Sub-Committees

- Election of Chair (if the Chair is absent or a Chair has not been appointed for this hearing)
- Apologies for absence
- Declarations of interest
- Procedure to be followed at the meeting
- Items for decision or information
- Dates of future meetings

14.14 Audit and Governance Committee procedures

(a) Who can put items on Audit and Governance Committee agendas?

The Group Finance Director, the Director of Law, Governance and Strategy, the relevant proper officer and the Council's internal and external auditors can put items on Audit and Governance Committee agendas.

Decisions and recommendations to Council must have appeared on the Forward Plan at least one month before the meeting, unless agreed by the Chief Executive, Section 151 Officer or the Monitoring Officer.

(b) Order of business at Audit and Governance Committee meetings

The order of business at Audit and Governance Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Addresses by members of the public
- Councillor addresses on any item for decision
- External audit reports
- Internal audit reports
- Reports from officers
- Dates of future meetings

14.15 Standards Committee procedures

(a) Who can put items on Standards Committee agendas?

The Monitoring Officer or Deputy Monitoring Officer can put items on Standards Committee agendas.

Decisions and recommendations to Council must have appeared on the Forward Plan at least one month before the meeting, unless agreed by the Chief Executive, Section 151 Officer or the Monitoring Officer.

(b) Order of business at Standards Committee meetings

The order of business at Standards Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair is absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)

- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Addresses by members of the public
- Councillor addresses on any item for decision
- Items for decision or information
- Dates of Future Meetings

14.16 Appointments Committee

(a) Who can put items on Appointments Committee agendas?

The Chief Executive or the Monitoring Officer can put items on Appointment Committee agendas.

(b) Order of business at Appointments Committee meetings

The order of business at Appointments Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair is absent)
- Apologies for absence
- Declarations of interest
- Minutes of the previous meeting
- Items for decision or information
- Dates of future meetings

14.17 Gaps in these procedures

If there is a gap in these procedures, the Chair will decide what to do with reference to the Council procedures (Part 11) in respect of rules of debate, officers, excluding the public, councillors' behaviour and suspending and changing procedures.

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15. Access to information and key decision procedures

- 15.1 Meetings affected by these procedures
- 15.2 Other rights to information
- 15.3 Public's rights to attend meetings
- 15.4 Exceptions to public's right to attend meetings
- 15.5 Reports that are expected to be considered in private
- 15.6 Notice of meetings
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- 15.8 Access to meeting papers before a meeting
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- 15.11 Access to documents by members of the Scrutiny Committees
- 15.12 Extra rights of access to information for councillors
- 15.13 Councillors' duty not to pass on confidential or exempt information
- 15.14 Key decisions
- 15.15 Procedures before taking key decisions
- 15.16 The Forward Plan
- 15.17 Urgent key decisions
- 15.18 Reports to Council on decisions that were not in the Forward Plan
- 15.19 Key decisions taken by officers
- 15.20 Executive decisions taken by officers

15.1 Meetings affected by these procedures

The key decision procedures (15.14 to 15.19) apply to executive decisions.

The rest of the procedures in this section apply to Council, Cabinet and committee meetings.

15.2 Other rights to information

These procedures do not affect any other rights to information under the law and this Constitution.

15.3 Public's rights to attend meetings

The public can attend meetings, except when confidential or exempt information is being discussed (15.4). The public also have the right to record meetings that are held in public.

15.4 Exceptions to public's right to attend meetings

- (a) Confidential information – must meet in private

The meeting must be conducted in private when confidential information is likely to be discussed.

Confidential information is information that is prevented from being made public by court order or a government department that has provided the information.

(b) Exempt information – can meet in private

The meeting can be held in private when exempt information is likely to be discussed.

The Cabinet meeting can be held in private provided that 28 days' notice has been given of that meeting in the Forward Plan on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private.

Any representations made and the Council's response must be included in the agenda for the meeting.

If notice of a private meeting has not been given in the manner specified it can still take place providing:

- the Chair of the Scrutiny Committee (or the Lord Mayor or the Deputy Lord Mayor in their absence) agrees: and
- it is included in the Forward Plan at the earliest opportunity and reasons are given as to why the decision to be made in private cannot wait.

Where an officer makes an executive decision and the publication of that decision includes exempt information then it must be advertised in the same way.

(c) Information is exempt if it would not be in the public interest to publish it and it falls into one or more of the categories set out below identified in Schedule 12A to the Local Government Act 1972:

a. Information about individuals

- Information relating to any individual (paragraph 2, Schedule 12A, Local Government Act 1972)
- Information which is likely to reveal the identity of an individual (paragraph 2).

b. Information about someone's finances or business

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3).

c. Labour relations information

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of

the crown and employees of, or office holders under, the authority (paragraph 4)

- d. Information that could be considered legally privileged
Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 5)
- e. Information about legal action
Information which reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment (paragraph 6)
- f. Information about action to deal with a crime
Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (paragraph 7)

(d) Disorderly conduct – exclusion of members of the public

A member or members of the public can be excluded from the meeting in order to maintain orderly conduct or prevent misbehaviour.

15.5 Reports that are expected to be considered in private

If the Monitoring Officer expects that a report will be considered in private (15.4), it will not be made available to the public. It will be marked “not for publication” and will say what category of information is involved.

15.6 Notice of meetings

At least five clear working days before each meeting, the Council will post details of the meeting at the Town Hall and on the Council’s website subject to copies being made available to members of the decision-making body first.

15.7 Background papers

Each report will include a list of background papers if there are any. Background papers are papers that have been relied on when writing the report. They do not include published works or documents that contain exempt or confidential information (15.4). All background papers will be published on the Council’s website.

15.8 Access to meeting papers before a meeting

The agenda and reports will be available at the Town Hall at least five clear working days before a meeting subject to copies being made available to members of the decision-making body first. If an item or report is added later, it will be made available as soon as it is added.

Copies of the agenda, reports and background papers will be available for public inspection. The agenda, reports and background papers will also be available on the Council's website at least five clear working days before a meeting. Members of the public may register for email alerts of the publication of an agenda and accompanying reports. They may also subscribe annually for paper copies subject to payment of a charge.

15.9 Access to meeting papers after a meeting

For six years after a meeting, the Council will make available:

- The agenda and reports
- The minutes (except for items that were considered in private because they were exempt or confidential). These will be made available within 10 working days of the meeting and, for executive decisions, they will record the reasons for the decision, any alternatives considered and any interests declared
- A summary of any business that was not open to the public if the minutes available to the public do not give a reasonable record.

For four years after the meeting the Council will make available the background papers to a report.

15.10 Summary of the public's rights

A summary of the public's rights to attend meetings and to inspect and copy documents will be available at the Town Hall.

15.11 Access to documents by members of the Scrutiny Committees

Members of the Scrutiny Committees have a right to copies of any documents seen or controlled by the Cabinet that are relevant to decisions taken by the Cabinet or key decisions taken by officers except for:

- Advice given by a political assistant
- Exempt or confidential information (unless it is relevant to something being scrutinised)
- Any draft of reports to be considered by the Cabinet.

15.12 Extra rights of access to information for councillors

Any councillor can look at any documents seen or controlled by the Cabinet that are relevant to:

- Decisions to be taken by the Cabinet in public
- Decisions taken by the Cabinet in private
- Key decisions taken by officers.

But this does not apply to:

- Information about individuals
- Information about the possible terms of a contract the Council is negotiating
- Labour relations information
- Information that could be considered legally privileged
- Information about action to deal with a crime
- Advice given by a political assistant
- Any document in draft form (except for draft documents approved by the Cabinet for consultation).

This right is additional to any other rights the councillor has.

Any councillor may attend private meetings of Cabinet.

15.13 Councillors' duty not to pass on confidential or exempt information

Councillors must not pass on exempt information that has not been made public or confidential information (15.4). If they do this, they may be breaking the Members' Code of Conduct (Part 22).

15.14 Key decisions

A key decision is an executive decision likely to:

- Have a significant effect on people living or working in a least two wards or
- Involve spending, income, or saving a significant amount – whether an amount is significant depends on the Council's total budget for the service involved. For this Council 'significant' in budgetary terms is:
 - a. Expenditure, income, or savings of £750,000 or greater in the context of the medium term financial strategy,
 - b. Acquiring or disposing of freeholds with a consideration over £750,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation
 - c. Acquiring or disposing of leaseholds where either the rental value is in excess of £250,000 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 and disposals pursuant to right to buy legislation.
 - d. Acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year

15.15 Procedures before taking key decisions

When a key decision is taken, it must have been entered on to the Forward Plan (see 15.16) and published for a period of 28 days before the decision is taken, unless it is urgent (15.17).

If a key decision is taken by the Cabinet or a single Cabinet Member, the report must say that it is a key decision.

15.16 The Forward Plan

(a) Period of Forward Plan

The Director of Law, Governance and Strategy will prepare a Forward Plan at least every month. Each plan will start with the first day of the next month and cover at least four months.

(b) What is in the Forward Plan?

The Forward Plan will list:

- Any key decisions that are going to be taken.
- Any decisions that are going to be taken by the Cabinet
- Any decisions that are going to be taken by the Cabinet where the report, in whole or in part, will be taken in private

For each decision, it will say:

- What the decision is about
- Who will take the decision
- When the decision will be taken
- How to comment and when by

15.17 Urgent key decisions

If a key decision has not been included in the Forward Plan and published for 28 days in advance of it being taken, 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.

Before taking a key decision that has not been included in the Forward Plan, the Director of Law, Governance and Strategy 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.

The decision cannot normally be taken until five clear working days after the chair is told.

Where it is not reasonable or practicable to wait until five clear working days have elapsed to take the decision, the Director of Law, Governance and Strategy 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 Director of Law, Governance and Strategy 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.

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).

15.18 Reports to Council on decisions that were not in the Forward Plan

The Scrutiny Committee can require the Cabinet to report to Council if a decision has been taken that the committee considered should have been treated as a key decision, explaining the reasons for it and why the Cabinet considered the decision not to be key.

Normally the Cabinet will report to the next ordinary Council meeting. But if the next meeting is within seven days of the request for a report, the Cabinet will report to the next meeting after that.

At least once a year the Leader must report to the Council on the number and nature of key decisions taken under 15.17.

15.19 Key decisions taken by officers

When an officer takes a key decision, notice of it must be given in the Forward Plan as required in 15.15. The officer must produce a record of it as soon as possible. The record will then be published by Committee and Member Services and the deadline for call in will be within two working days of the decision being published. The record of the decision will include the reasons for the decision, any alternatives considered and any interest declared by any Cabinet member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential (15.4).

15.20 Executive decisions taken by officers

When an officer takes an executive decision which has been delegated expressly to them by Cabinet, whether a key decision or not, they must produce a record of it. This will include the reasons for the decision, any alternative considered and any interest declared by any Cabinet member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential (15.4). The decision and report must be available to the public and published on the Council's website and, in the case of a key decision, this must be as the decision is made in order to allow for call in.

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16. Budget and Policy Framework procedures

[16.1 Responsibilities for the budget and policy framework](#)

[16.2 Developing the budget and policy framework](#)

[16.3 Decisions outside the budget or policy framework](#)

[16.4 Urgent decisions outside the budget or policy framework](#)

16.1 Responsibilities for the budget and policy framework

Council sets the budget and policy framework the Cabinet and officers must act within it.

16.2 Developing the budget and policy framework

- (a) The amount of consultation on the budget and policy framework must reflect the importance of the proposal. Consultation must last at least four weeks and will include consultation with a scrutiny committee.
- (b) Any reports to the Cabinet must say what consultation there has been and what the results were. The Cabinet will consider the response to the consultation and draw up firm proposals. The report to Council will reflect any comments made during the consultation and the Cabinet's response.
- (c) The Cabinet's proposals will go to Council as soon as possible.
- (d) Council can:
 - Accept the Cabinet's proposals
 - Refer the proposals back to the Cabinet, or
 - Change the proposals, for example by adopting proposals of its own.
- (e) If Council accepts the Cabinet's proposals without any changes, the decision will come into force immediately.
- (f) If Council changes the Cabinet's proposals, it will be an in principle decision only.
- (g) The Leader will be given a copy of an in principle decision. The in principle decision will come into force unless the leader objects in writing to the Director of Law, Governance and Strategy within five clear working days, giving reasons.
- (h) If the Leader object to an in principle decision, Council will meet again within 10 further working days. At the meeting, Council can accept the Cabinet's proposals or change them.
- (i) Council's decision will come into force immediately.
- (j) When Council sets the budget, it will also say how much the Cabinet and Service Directors can move between cost centres (Part 18.10(b)). Any other changes must be made by Council.

16.3 Decisions outside the budget or policy framework

(a) The Cabinet, and any officers carrying out executive responsibilities, can only take decisions if they are:

- in line with the budget and policy framework
- allowed under 16.4 (urgent decisions)
- allowed under Part 18.10(b) (moving money between cost centres)
- necessary to obey the law or ministerial directions or government guidance.

Any other decisions must be recommended to Council.

(b) The Cabinet or officers carrying out executive responsibilities will seek the Monitoring Officer or Chief Finance Officer's advice if it is unclear whether proposals are in line with the budget and policy framework.

16.4 Urgent decisions outside the budget or policy framework

(a) The Cabinet or officers carrying out executive responsibilities can take a decision that is outside the budget or policy framework if:

- it is urgent
- it is not practicable to arrange a Council meeting
- the Chair of the Scrutiny Committee agrees that the decision is urgent. (If the Chair of the Scrutiny Committee is absent, the Lord Mayor can agree that the decision is urgent. If the Lord Mayor is absent, the Deputy Lord Mayor can agree).

(b) The record of the decision must say why it was not practicable to arrange a meeting of Council. It must also say that the Chair of the Scrutiny Committee (or Lord Mayor or Deputy Lord Mayor) agreed that the decision was urgent.

(c) The decision taker must take a full report to the next ordinary Council meeting explaining the decision. This must say why the decision was taken, why it was urgent and why it was not practicable to arrange a meeting of Council. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.

17. Call-in procedures

- 17.1 What decisions can be called in?
- 17.2 Notices of decisions
- 17.3 Who can call in decisions and when do they have to be called in by?
- 17.4 How are decisions called in?
- 17.5 Where are decisions called in to?
- 17.6 What happens when a planning decision is called in?
- 17.7 What happens when a decision is called in to the Scrutiny Committee?
- 17.8 Criteria for Call-In
- 17.9 Decision believed to be outside the budget or policy framework
- 17.10 Urgent decisions

17.1 What decisions can be called in?

The following decisions can be called in:

- *resolutions by the Cabinet*
- *key decisions taken by officers*
- *ward member spend (Part 4.7)*
- *planning decisions taken by the Oxford City Planning Committee*
- *decisions on planning applications that were going to be taken by the Director of Planning and Regulation*

17.2 Notices of decisions

- (a) After a decision is taken that could be called in (or when Committee and Member Services are notified of the decision if that is later), Committee and Member Services will send electronically a notice of decision to all councillors (and any co-opted members of the body that took the decision) within two working days of the decision.
- (b) A notice of decision relating to ward member spend will, after the approval provided for in Part 4.6(c), be sent by Citizen and Community Services to all councillors within five working days of the approval.
- (c) The notice of decision will say what the decision was and where it can be called in to.
- (d) The notice of decision will be marked with the date it was published and will say that the decision will come into force if it is not called in within two working days of that date.

17.3 Who can call in decisions and when do they have to be called in by?

Decision	Can be called in by	Deadline
Decisions on planning applications (those seeking determinations within 5.3(a)) to be taken by the Director of Planning and Regulation	Any six councillors	5pm on the last day of the period of 21-days starting with the day on which notice of the application is published on the Council website; or, in instances where there are significant changes to material planning considerations, as determined by the Director of Planning and Regulation, after the initial notice of the application is sent to councillors via the weekly planning list, 5pm on the last day of the period of 21-days starting with the day on which councillors are re-notified
Planning decisions (those within 5.3(a)) taken by Oxford City Planning Committee	Any twelve councillors or the Director of Planning and Regulation	5pm on the last day of the period of two working days starting the day after the record of decision has been published
Non-planning decision taken by the Cabinet	Any four councillors or the Chair of the Scrutiny Committee	5pm on the last day of the two working day period starting the day after the record of decision has been published
Key decision taken by an officer	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published

Ward member spend	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published
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Co-opted committee members cannot call in decisions.

17.4 How are decisions called in?

Decisions are called in by sending notice of call-in to the Director of Law, Governance and Strategy or emailing it to the internal call-in mailbox. Councillors must confirm their support to a call-in individually for it to be valid; one email with the other individuals copied in is not sufficient.

All planning call-ins must be supported by relevant material planning considerations. If an executive decision is being called in because it is believed to be outside the budget and policy framework, the notice of call-in must say so.

When a decision is called in, the Director of Law, Governance and Strategy will tell the officer or ward member or the chair of the body that took the decision, or in the case of call-in of a planning decision to be taken by the Director of Planning and Regulation, the Director of Planning and Regulation.

17.5 Where are decisions called in to?

(a) The table shows where decisions are called in to

Decision	Called in to
Decisions on planning applications to be taken by or on behalf of the Director of Planning and Regulation	Oxford City Planning Committee
Planning decisions taken by Oxford City Planning Committee	Planning Review Committee
Non-planning decision or ward member spend	Scrutiny Committee

(b) A special meeting can be called to consider a decision that has been called in if the Director of Law, Governance and Strategy believes it is not in the Council's interest to wait until the next ordinary meeting.

17.6 What happens when a planning decision is called in?

The Oxford City Planning Committee or Planning Review Committee will decide the planning application.

17.7 What happens when a decision is called in to the Scrutiny Committee?

The Scrutiny Committee can decide to:

- support the decision, which can then be acted on immediately, or
- send the decision back with its comments to the Cabinet or ward member or officer, who will then take a final decision, or
- send comments to Council on any decision that recommends changing the budget or policy framework.

17.8 Criteria for Call-In

For executive decisions, Members must complete the proforma and sent to the Director of Law, Governance and Strategy (pfrestrictedcallin@oxford.gov.uk). A notice invoking the call-in procedure must cite at least one of the following grounds in support of the request for call-in of a decision.

- Inadequate consultation
- Inadequate evidence
- Decision outside the Budget and Policy Framework
- Decision does not lead to the desired outcome
- Decision might be challenged on human rights grounds
- Insufficient Legal and Financial consideration
- Decision not within the power of the Decision maker

In effect the 'call in' request would need to demonstrate that it is reasonable to 'call in' the decision. It is for the Director of Law, Governance and Strategy, in consultation with the Chair of the Scrutiny Committee to assess what is reasonable.

17.9 Decision believed to be outside the budget or policy framework

- (a) The Monitoring Officer or Chief Finance Officer will say whether the decision is outside the budget or policy framework.
- (b) If the decision is not outside the budget or policy framework, the Scrutiny Committee can decide to:
 - support the decision, which can then be acted on immediately, or
 - send the decision back with its comments to the Cabinet or ward member or officer, who will then take a final decision.
- (c) If the decision is outside the budget or policy framework, it will go as a recommendation to Council, along with any comments from the Scrutiny Committee. Council can then:
 - make the Cabinet reconsider the decision, or
 - change the budget or policy framework so that the decision is within it – the decision can then be acted on immediately.

17.10 Urgent decisions

A decision to be taken cannot be called in if the Chair of the Scrutiny Committee, upon being consulted, agrees that:

- the decision to be taken is both urgent and reasonable and
- the delay caused by the call-in process would not be in the interests of the Council or the public.

If the Chair of the Scrutiny Committee is not available, the Lord Mayor must agree that the decision to be taken is urgent and reasonable. If the Lord Mayor is not available, the Deputy Lord Mayor, Chief Executive or Monitoring Officer must agree.

Decisions to which this rule applies must be identified on the notice of decision.

Decisions to which this rule applies must be reported to the next ordinary Council meeting with the reasons why they were urgent. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.

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18. Finance rules

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18.1 Responsibilities under the finance rules

(a) Responsibilities of the Group Finance Director

The Group Finance Director as the Chief Finance Officer is responsible for regulating and controlling the finances of the Council and hence they shall for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 be responsible for the proper administration of the Council's financial affairs.

(b) Responsibilities of Deputy Chief Executives and Directors

Deputy Chief Executives and Directors are responsible for the financial management of their directorate(s).

(c) Responsibilities of Directors

Within their service area, Directors must:

- ensure the highest standards of financial probity
- ensure compliance with the Finance Rules and any procedures or guidance issued by Group Finance Director.
- monitor monthly the overall financial position of their service area in accordance with the cost centre managers manual issued by the Group Finance Director.
- advise the Group Finance Director and Director on issues/proposals that have a financial impact in their area
- ensure compliance with the Contract Rules within their service area
- provide information to the Council's auditors on a timely basis as required.
- ensure that any audit recommendations are implemented within agreed timescales.

(d) Responsibilities of Line Managers

Line managers must make sure their staff understand and follow these Rules and any procedures and associated guidance by the Group Finance Director.

(e) Responsibilities of all Officers

Officers must be familiar with these Finance Rules and the Contract Rules and must understand how they affect their work. If any officer is unclear about these Rules, they must get advice before acting. They would normally get advice from their line manager but they can also talk to finance staff. Officers must ensure they are using the latest version of these Rules. This will always be the version in the Constitution available on the intranet. Officers must show the highest standards of financial probity. As well as following these Rules, they must use their common sense and judgement. The Council may take disciplinary action and/or legal action against anyone who breaks these rules.

18.2 Audit

(a) Internal Audit

In accordance with the Accounts and Audit Regulations for the time being in force the City Council is responsible for ensuring an 'adequate and effective system of internal audit'. The Group Finance Director has responsibility for monitoring adherence to the Audit Plan. Audits will be carried out in accordance with guidelines issued by the Chartered Institute for Public Finance and Accountancy. At the commencement of the financial year the Audit and Governance Committee will approve an audit plan for that year. At each of its meetings the Audit and Governance Committee will receive an update report on the progress made in delivering the plan including progress on implementation of internal and external audit recommendations.

(b) External Audit

Auditors review the Council's financial and management systems and report annually to the Audit and Governance Committee on the adequacy of the Council's internal controls. Auditors have the right to inspect all records held by the Council.

The Council's auditors undertake an annual audit of the Council's Statement of Accounts. They also audit specified grant claims and report annually on the Council's governance framework and delivery of best value. Auditors have the right to inspect records and to ask for information and explanations. The Group Finance Director has overall responsibility for liaising with the external auditors.

18.3 Non-compliance with these Rules

If officers suspect that these Rules have not been complied with, or they suspect fraud, corruption or poor value for money, they must tell their line manager (unless their line manager is involved). The Council's Whistle Blowing Policy (18.25) has guidance on what to do if a line manager is involved. If these Finance Rules or the Avoiding Bribery Fraud and Corruption Policy have been breached, the Group Finance Director must be advised in writing by the line manager as soon as possible.

18.4 Information and records

The Group Finance Director is responsible for the Council's accounting system, the form of accounts and its supporting financial records. The Group Finance Director will ensure that accounting records are sufficient to comply with the Accounts and Audit Regulations for the time being in force.

18.5 VAT and Tax

The Group Finance Director is responsible for keeping tax records, advising on tax, making tax payments, receiving tax credits and submitting tax returns. The Group Finance Director will advise officers on the appropriate records to be maintained.

18.6 Insurance

The Group Finance Director will be responsible for establishing adequate insurance cover for the Authority including the amount of excess and the extent to which self-insurance is undertaken.

Heads of Service must:

- assist in the annual review of insurance and advise the Group Finance Director of changes in insurable risks
- process insurance claims in accordance with procedures laid down by the Group Finance Director

18.7 Budget Setting

On an annual basis the Group Finance Director shall submit to Council a programme of capital expenditure and estimates of revenue income and expenditure for Council services for at least the proceeding four years. Council will set a Council Tax for General Fund services and a weekly Council house rent for the ensuing year. The Audit and Governance Committee will set the Council Tax Base.

18.8 Responsibility for Budget Decisions

Responsibilities for budget decision are shown in the table below:

Cabinet Decisions	Council Decisions
<ul style="list-style-type: none"> • agreeing a draft revenue budget for consultation • recommending the revenue budget to Council • recommending the Treasury Management Strategy to Council • recommending the Housing Business Plan to Council • agreeing the Risk Management Strategy • recommending the Capital Programme to Council • recommending the Corporate Asset Management Plan to Council • recommending extra spending to Council • monitoring delivery of financial performance • recommending to Council transfer(s) of assets between the General Fund and the Housing Revenue Account • agreeing transfers between cost centres of £250,000 or over where they are in line with the Council's policy framework • agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges) 	<ul style="list-style-type: none"> • agreeing or changing the revenue budget • agreeing or changing the Treasury Management Strategy • agreeing or changing the Capital Programme • agreeing the Corporate Asset Management Plan • agreeing the Housing Business Plan • agreeing supplementary estimates to either the revenue or capital budgets • agreeing transfers between cost centres that breach the policy framework or are not within the approved budget envelope • agreeing transfers between the General Fund and Housing Revenue Account • setting the Council Tax • setting housing rents • setting fees and charges as part of the budget setting process

Cabinet Decisions	Council Decisions

18.9 Estimates and Reserves – Robustness and Adequacy

It is the duty of the Group Finance Director to report on the robustness of the estimates and the adequacy of reserves when the Council is considering its budget requirement and Council is required to have regard to this advice.

18.10 Budgetary Control

On-going budget management and control is necessary to ensure that approved budgets are used only for their intended purpose and accounted for and reported correctly and that Council services are delivered within budget.

(a) General Principles of the Budgetary Control Framework

The following are the general principles:

- All budgets are assigned a Director and/or Deputy Chief Executive who are accountable for the control and management of that budget in accordance with these Rules and any financial procedures or guidance issued by the Group Finance Director
- Heads of Service will report on their budget on a regular basis to the Group Finance Director in a format and timeframe prescribed by the Group Finance Director.
- The Group Finance Director will validate the information provided by the Directors and report periodically to relevant Officers and to the Cabinet on a quarterly basis. The report will include the projected outturn position, any associated risks and mitigating actions to be taken as well as the impact on future year budgets.
- The relevant Director and/or Deputy Chief Executive are the officers accountable for authorising the commitment of resources against the budget.

(b) Virement Rules – Revenue and Capital

A virement is an approved reallocation of resources between cost centres. The scheme of virement enables budget holders to manage their budgets with a degree of flexibility and therefore to provide an opportunity to optimise their use of resources according to changing needs.

All virements must be notified in writing to the Group Finance Director in a form prescribed by the Group Finance Director. Permanent virements are permitted following consultation and agreement with the Group Finance Director.

Virements are permitted in accordance within the following parameters:

Virement	Limit	Agreement Required
Within Cost Centres	Unlimited	Director subject to consultation with the Group Finance Director (Chief Finance Officer)
Between Cost Centres	=< £250,000 that are in line with the Council's policy framework	Group Finance Director (Chief Finance Officer) in consultation with relevant Director or Chief Executive/ Deputy Chief Executive in the absence of a relevant Director to ensure separation of duties
	£250,000 or where they are in line with the Council's Policy Framework and within the approved budget envelope.	Cabinet
	where they are not within the Council's policy Framework or approved budget envelope.	Council

Council must agree any transfers between the General Fund and Housing Revenue Account.

Where an item of overspend of revenue spend cannot be covered from virement then following consultation with the Group Finance Director a supplementary estimate may be sought from Council.

In the case of emergency the Chief Executive or a Deputy Chief Executive, in consultation with the Group Finance Director or their Deputy, may approve additional expenditure, or virement over £250,000 providing approval is sought from the Cabinet or Council (depending on the amount involved) at the first opportunity following the additional expenditure or virement.

(c) Use of Reserves and Provisions

The Group Finance Director shall establish reserves and provisions to meet known or estimated future liabilities.

The Group Finance Director may move any sums in or out of reserves and provisions in order to meet the liabilities of the Council, subject to movements being clearly identified in the annual Statement of Accounts.

- (d) The Group Finance Director can approve single carry forward sums up to £10,000. Any single carry forward of over £10,000 must be approved by Cabinet.

18.11 Capital Strategy

The Group Finance Director will prepare a Capital Strategy which:

- Will be reviewed annually by Cabinet
- Sets out the principles the Council will follow in its capital planning and management
- Outlines the methodology for inclusion of schemes within the Capital Programme
- Sets out the arrangement for management of capital schemes
- Indicates the capital schemes to be undertaken over the following four financial years and how those schemes will be funded.

18.12 Project Approval

Project Approval is the decision making process that determines whether or not to move ahead with an initiative. It applies to both revenue and capital programmes and projects (income and expenditure). Project approval must be obtained for programmes and projects in accordance with the following requirements. For capital programmes and projects, project approval must follow presentation to the Council's Development Board (officer group):

- Less than £185,000 – Service Director
- £185,000 up to £750,000 – Deputy Chief Executive or Group Finance Director in consultation with the Head of Paid Service and Monitoring Officer (and the Group Finance Director where the decision to approve is being made by an Executive Director)
- £750,000 and over – Cabinet

The decision-making process for capital programmes and projects is set out in the Capital Strategy and will be updated annually by the Group Finance Director and reported to the Cabinet for recommendation to Council for approval.

Project ideas may be added to the project pipeline at any time following the completion of a Project Proposal submitted to the Development Board.

Funding may be requested for programme or project ideas and proposals, of a capital nature, in order to carry out feasibility and or design stages to ensure the schemes are both feasible and to ascertain true costs for delivery. Allocation of any funding and approval of each of these stages within the agreed budget envelope is agreed by the relevant Director.

For programmes and projects that proceed through feasibility, design and technical specification, a business case will need to be prepared prior to approval that includes:

- The aim of the programme or project and options for delivery

- Resource implications (internal and external)
- Legal, contractual and prudential borrowing code implications
- If the council is acting through an agent or partnership legal advice on whether it has the power to act in this way
- Any comments made during consultation and the Council's response
- The estimated amount and timing of any capital and revenue expenditure or income, any on-going effect on revenue, and whether this is included in the budget.

18.13 Monitoring of the Capital Programme

The Capital Programme is approved as part of the Council's annual budget setting process. Overall monitoring of the Capital Programme will be undertaken by the Development Board, which comprises Deputy Chief Executive and the Group Finance Director, the Monitoring Officer, all other Service Directors and the Project Management Office. The monitoring will be carried out in conjunction with Project Sponsors and Project Managers. The Group Finance Director will monitor on the financial spend against the approved Capital Programme and regularly report on this to the Development Board.

A Capital Programme monitoring report will be submitted by the Group Finance Director to the Development Board as required, and to the Cabinet on a quarterly basis, setting out the projected outturn and progress of schemes including slippage, under and overspends together with any associated mitigating action.

Capital expenditure may only be incurred if:

- Budgetary provision has been made within the approved Capital Programme
- Project approval has been given in accordance with 18.12
- Corporate procurement processes have been complied with

Where it is anticipated that the budget for a capital project will be overspent against its approved budget the relevant Service Director will be responsible for notifying the Group Finance Director. Overspend up to £250,000 may be accommodated by virement from other schemes or under-spending within the approved Capital Programme. The size of the project will be considered as part of this process. Where monies cannot be vired from other schemes or the overspend is in excess of £250,000 the projected overspend must be reported to the Cabinet and subsequently Council requesting a supplementary estimate if required.

Where a scheme is within the capital programme and it is not possible for it to progress in a particular year or where it is progressing faster than anticipated, the Group Finance Director in conjunction with the Development Board can move the approved capital budget for a scheme between financial years across the Medium Term Financial Strategy providing that the overall budget for the scheme is not exceeded and capital financing resources are available to finance the scheme. Any schemes which remain uncommitted at the end of the financial year in which they were due to start will be reviewed as part of the annual budget process.

Where the Council has obtained external funding for a capital project or that project can be funded by virement, the Group Finance Director may, subject to it being included in the next available monitoring report, raise an additional budget head to facilitate timely project commencement.

18.14 Treasury Management

(a) Treasury Management Strategy

The Group Finance Director will produce and submit the Treasury Management Strategy to the Cabinet for recommendation to Council.

The Strategy will set out the Council's treasury plans for the next year (including any prudential borrowing limits which are in line with the capital programme and proposed financing). The Strategy will include a list of the types of organisations the Council may borrow from and lend to and the maximum individual amounts it may borrow or lend. The Strategy must be agreed by Council.

(b) Day-to-day Treasury Management Operations

The Group Finance Director is responsible for day-to-day treasury management operations. These will follow the Treasury Management Strategy, and ensure that:

- All borrowing and investment complies with the Council's Treasury Management Strategy and the Chartered Institute of Public Finance and Accountancy's code of practice on treasury management
- All borrowing and lending is done in the name of the Council
- As a minimum a half yearly and annual update of treasury management activity will be reported to the Cabinet and made available as appropriate to the relevant scrutiny committee.

(c) Bank Account

Only the Chief Executive or the Group Finance Director may open a bank or building society account on behalf of the Council. The Group Finance Director is responsible for managing all accounts.

18.15 Asset Management

(a) Responsibilities of the Director of Property Assets

The Director of Property Assets will:

- Produce guidelines for acquiring, managing and disposing of assets
- Make sure the Council's records include any money from sales
- Make sure the Council's records do not include the value of any assets that have been disposed of.

(b) Register of Fixed Assets

The Group Finance Director will keep a register of all fixed assets worth more than £10,000. Directors must report any acquisitions or disposals so that this can be kept up-to-date. Every year the Group Finance Director, in conjunction with the Director of Property Assets, will check that the assets are still shown at the right value, that they have a suitable asset life and that they have been properly depreciated.

(c) Disposing of assets (except land)

Service Directors can dispose of assets worth up to £10,000 if the Group Finance Director agrees. All disposals including land must be notified to the Group Finance Director.

(d) Arranging leases

In respect of non-property items the Group Finance Director may approve:

- Lease arrangements
- Hire of assets
- Rental agreements
- Contracts where the supplier uses assets to provide services to the Council; these may be explicit in the contract or implied due to the service being provided

Additional procurement requirements apply to these arrangements (Part 19.22).

18.16 Ordering and Paying for Goods and Services

The Group Finance Director shall ensure that there are proper procedures and controls for ordering and paying for goods and services. Any new systems for orders or payments must be agreed by the Group Finance Director. Directors must ensure that:

(a) Official orders (using the agreed corporate order form) are issued for all goods and services prior to receipt. Exceptions to this rule are:

- Utility bills
- Subscriptions
- Grants
- Refunds
- Compensation payments
- Payments of rent for privately leased properties
- P2P Supplier Approved Exemption list as agreed by the Group Finance Director

- Hire of polling stations
- (b) Orders for goods and services must only be issued where the expenditure is provided for within the approved budget or is covered by a virement or a supplementary estimate which has been agreed by Council
- (c) Official orders must indicate clearly the nature and quantity of the work or services required and also the financial commitment.
- (d) Service Directors must also ensure:
 - That staff involved in payment processing are adequately trained.
 - That there is adequate separation of duties between staff ordering, receiving and approving invoices for payment.
 - That suppliers are advised that the Council's preferred means of payment is by bankers automated credit (BACS) and that remittance advices should be sent via email.
 - That only goods and services that have been received, examined and approved as to their quality and quantity or the work or service has been satisfactorily performed are paid for and that the prices, arithmetic and budget allocation are correct.
 - That payments are timely and made within the Council's agreed terms of business, unless the invoice is in dispute.

(e) Responsibilities of Deputy Chief Executive and Service Directors

The Service Directors and Deputy Chief Executive are responsible for their service areas' orders and for ensuring that invoices are appropriately approved. They must make sure that officers who order and authorise invoices for payment have been properly trained and that there are adequate separation of duties between order and approval for goods.

Officers must also have regard to the guidance in the cost centre managers' manual and the guidelines on the intranet in relation to the ordering and paying for goods and services.

18.17 Risk Management

The Group Finance Director is responsible for co-ordinating risk management within the authority.

(a) Responsibilities of Service Directors and Deputy Chief Executives

- To review and update the Corporate Risk Register on a regular basis
- To ensure compliance with the Risk Management Strategy

(b) Responsibilities of the Group Finance Director

- Periodically to review and present for adoption by the Cabinet the Risk Management Strategy.
- To present monitoring reports in accordance with the terms of the adopted Risk Management Strategy.

- To provide advice to officers and councillors on risk management
 - To provide and facilitate training to officers and members on risk management.
- (c) Responsibilities of Service Directors and Deputy Chief Executives
- Identify and manage risk in their service areas in compliance with the Risk Management Strategy
 - Update the Corporate Risk Register
 - Have contingency plans for major risks
 - Advise the Group Finance Director of any risk that could result in losses or claims against the Council

18.18 Wages, Salaries and Pensions

The Head of People is responsible for paying all wages, salaries and expenses, including councillors' allowances.

Deputy Chief Executives and Directors must advise the Head of People on a timely basis of any changes to staff pay and any deductions that need to be made, in particular:

- Appointment, resignations, dismissals, suspensions, secondments and transfers
- Long term absences from duty for sickness or other reasons apart from approved leave
- Changes in remuneration, other than normal increments and pay awards
- Information necessary to maintain records for service for superannuation, income tax, national insurance and sickness or maternity benefit
- All salaries and wages and allowances will be paid into an employee's or member's bank account.

18.19 Petty Cash

The Group Finance Director will oversee the system of petty cash floats and may provide petty cash advances for such officers of the Council as may need them. Floats will only be topped up when a proper claim is made with receipts for all items. The Group Finance Director will give detailed guidance on petty cash.

18.20 Income Collection

(a) Responsibilities of Deputy Chief Executives and Service Directors

To ensure that appropriate arrangements are in place to safeguard the Council's resources

(b) Responsibilities of Group Finance Director

The Group Finance Director is responsible for ensuring that systems are in place to ensure that all income is identified, collected, receipted and promptly banked. This includes the issuing of instructions in relation to income and its recovery.

(c) Responsibilities of Service Directors and Deputy Chief Executives

Service Directors must have robust processes in place for dealing with income collection in their service area where required. There must be extra controls in service areas that collect cash or cheques. Service Directors must ensure that:

- They raise invoices as soon as reasonably practical for all goods and services provided on credit
- They follow the systems and procedures laid out by the Group Finance Director as contained in the cost centre managers manual and within the Guidance on Debt Collection on the intranet
- Officers are suitably trained
- Official receipts are always given
- Proper records are kept
- Money is banked on the day it is received or as soon as possible thereafter
- VAT is properly accounted for

Service Directors and Deputy Chief Executives must have effective systems for monitoring income due to their service area. The Group Finance Director must be advised if income targets are unlikely to be achieved and must be advised of any cases of financial impropriety.

(d) Writing off debt

Write offs relating to debts may be authorised as follows:

- Debts up to £100k by the Group Finance Director
- Debts in excess of £100,000 by the Cabinet

(e) Cancelling debt

Debts can only be cancelled if they have been raised by mistake. All cancellations over £5,000 must be agreed by the Group Finance Director.

18.21 External Funding

The Group Finance Director must be advised on a timely basis of any application for external funding by the relevant lead officer prior to it being submitted.

The lead officer must provide such information as requested by the Group Finance Director, including copies of proposed agreements and conditions of grant and any financial implications (including match funding requirements or on-going revenue costs).

All external funding applications for funding in excess of £100,000 must be authorised by the Group Finance Director 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.

The Group Finance Director must be notified of the outcome of external funding applications at the earliest opportunity and successful external funding applications will be reported to Cabinet as part of the normal monitoring reports or by a report seeking project approval.

The Group Finance Director is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

The Deputy Chief Executive and/or Service Director responsible for the lead officer must ensure that all grant conditions are met and must ensure that there is a report made to the Group Finance Director if there is any risk of grant conditions not being met.

18.22 Money Laundering

The Council has procedures for checking the recording the intentions of the people and organisations it does business with and for reporting suspected money laundering.

The Group Finance Director is the appointed Money Laundering Officer and as well as ensuring that there are procedures in place to combat money laundering he/she is required to maintain and review the Council's Anti Money Laundering Procedures.

Officers must not:

- Conceal, disguise, convert, transfer or remove anything gained through crime.
- Tip off a criminal or suspect
- Assist money laundering

Officers must complete and retain evidence of any due diligence checks carried out on new suppliers prior to any payments being made to the supplier. This must include a credit check where possible and the evidence retained for audit purposes. Should the credit check score fall below the current threshold set by the Group Finance Director additional advice should be sought from the Group Finance Director.

18.23 Loans or Guarantees to external organisations

The Group Finance Director may authorise a loan or financial guarantee to a Council wholly owned company.

Any loan to a Council wholly owned company must be within the overall approved budget.

There is no limit on the amount of any financial guarantee to a Council wholly owned company that the Group Finance Director may approve.

The Group Finance Director may authorise loans or financial guarantees of up to an outstanding balance of £250,000 in aggregate to a company which is not wholly owned by the Council or any other external organisation.

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.

18.24 Modern Slavery due diligence

Officers must carry out due diligence checks to ensure that they are satisfied that suppliers comply with the Modern Slavery Act 2016.

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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
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- 19.13 Exemptions and Waivers
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- 19.20 Contract Management
- 19.21 Legal claims relating to contracts
- 19.22 Varying contracts
- 19.23 Interpreting the contract rules

Appendix 1 to the Contract Rules Contractual Clauses

Appendix 2 Procedure to contract with Teckal Companies

19.1 Purpose of these rules

These Contract Procedure Rules (“the Contract 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.)

Whether under or over the procurement regulatory threshold, for Contracts which are of a description as exempted contracts under Schedule 2 of the Procurement Act 2023 (the Act) the following rules will not apply:

- 19.14 – Tendering of contracts
- 19.15 –Corporate Tendering Portal
- 19.16 – Procurement Processes and thresholds
- 19.17 – Decision to award contracts

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
<ul style="list-style-type: none"> • the acquisition and disposal of land or buildings to the extent they fall within Schedule 2 of the Procurement Act • 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 procurement legislation • contracts below the relevant procurement law threshold which are required in circumstances of extreme emergency such as an immediate danger to life or property (Service 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.) • contracts above the relevant procurement law threshold which are procured without prior publication under section 41(1) of the Procurement Act 2023, except insofar as to require compliance with the Procurement Regulations 2024 (Service Directors are authorised to take appropriate action subject to agreement with the Monitoring Officer) 	<p>All</p> <p>All except 19.10 and 19.17</p> <p>All except 19.10 and 19.17</p> <p>All except 19.10 and 19.17</p>

and must report such action and the expenditure incurred to the next meeting of the Cabinet.)	
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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. Deputy Chief Executives and Service Directors 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 Director of Law, Governance and Strategy
- 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: to do so is a disciplinary offence. Officers must inform the the Director of Law, Governance and Strategy if offered a gift or hospitality during a tender process.

A Conflict-of-Interest Assessment must be completed for all above threshold procurements prior to the project commencement, during the procurement and post award during the contract management stage. Conflict of interest assessments must be sent to procurement for filing with the contract.

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 and 4.5);
 - A decision to award a contract (note award is appointing the successful bidder, this may be at the same time as agreeing to sign the contract or it may come earlier in the process);
 - A 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/enter into the contract has been taken in accordance with the rules for key decisions
- The Council has the legal power to enter into the contract and to do so is in accordance with the budget and policy framework.
- 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 the public procurement regulatory thresholds a financial appraisal has been undertaken by the Group Finance Director. The relevant Service Director must not award the contract until it has been approved by the Group Finance Director, and a named contract manager appointed.
- For all quotes and tenders over the the public procurement regulatory thresholds 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 by the procuring officer and approved by the Procurement Team

and the relevant Service Director.

Where the total maximum contract value 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 all potential payments from optional extensions, renewals, or additional suppliers adhering to the methodology set out in Schedule 3 of the Procurement Act 2023.

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 Director of Law, Governance and Strategy, in consultation with the Group Finance Director, 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 The Procurement Team and

Legal Services, other than for contracts under the relevant public procurement regulatory thresholds 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's standard forms) must be in writing, setting out 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 Director of Law, Governance and Strategy:

Contract Value (including VAT)	Contractual Requirements
£0 – to £99,999.99	The Council's purchase order terms and conditions (where the purchase is of low value and low complexity) or Council's Standard 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 the Council's Standard terms and conditions or Call-Off form of contract. These will be subject to drafting or sign off 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 Director of Law, Governance and Strategy 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 Director of Law, Governance and Strategy 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 legislation. This means that the Council may award contracts to a teckel company 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 company

Officers must ensure that, in awarding the contract to a teckal company, 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 and/or awarded
- 19.7 – Total Contract Value
- 19.8 – Sub-contracting
- 19.10 – Format of contracts
- 19.11 – Clauses that must be included in all contracts
- 19.17 – Decision to award contracts
- 19.18 – Letters of intent
- 19.19 – Copies of contracts and register of contracts
- 19.20 – Contract management
- 19.21 – Legal claims relating to contracts
- 19.22 – Varying contracts
- 19.23 – Interpreting the contract rules

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

19.13 Exemptions and Waivers

An Exemption is an approval that, for a below public procurement regulatory threshold for one of the following reasons, the procurement is exempt from the procurement procedure requirements contained in 19.14, 19.15 and 19.16 only (any departures from other provisions require a waiver):

(a) Emergencies

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

(b) Where there is substantial evidence of value for money to the Council

An exemption may be granted where there is substantial evidence of value for money to the Council to keep with the current supplier, 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 opts into a National Scheme and the supplier is assigned.
- (h) Where there are compelling reasons for an exemption and the Monitoring Officer authorises that the matter can be referred to the relevant decision maker in the table below.

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 the Procurement Team and Legal Services prior to using an exemption.

A Waiver is an approval that for the purpose of a specific procurement an identified requirement contained in the Contract Rules (other than those in 19.14, 19.15 and 19.16 for which an exemption would apply) does not need to be followed ('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 the Cabinet can waive any of the rules after considering a report from the relevant Service Director giving reasons for the waiver and taking into consideration advice from the Group Finance Director and the Director of Law, Governance and Strategy.

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	Service Director in consultation with: Strategic Procurement Manager	Service Director in consultation with the Strategic Procurement Manager, even with the requirement of one quote

<p>£30,000 - public procurement regulatory threshold</p>	<p>Service Director in consultation with: Strategic Procurement Manager and Legal Services</p>	<p>Legal Services Manager (on behalf of the Director of Law, Governance and Strategy)</p>
<p>public procurement regulatory threshold – up to Key Decision Threshold (where it is over the procurement regulatory threshold this is for Waivers only, exemptions are not allowed over threshold)</p>	<p>Deputy Chief Executive in consultation with: Group Finance Director; Strategic Procurement Manager; and Director of Law, Governance and Strategy</p>	<p>Director of Law, Governance and Strategy with: Group Finance Director and relevant Service Director</p>
<p>Over Key Decision Threshold (where it is over the procurement regulatory threshold this is for Waivers only, exemptions are not allowed over threshold)</p>	<p>Cabinet</p>	<p>Director of Law, Governance and Strategy in consultation with: Group Finance Director and relevant Deputy Chief Executive and Service Director</p>

Any request for an exemption or waiver must state which of the requirements of the Contract Rules the exemption or waiver is requested for and reasons for the exemption or 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) also known as 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 the Procurement Team. 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.

19.15 Corporate Tendering Portal

- (a) Tenders £30,000 including VAT or over must be submitted via the Corporate Tendering Portal or the electronic system that was used to invite tenders as well as on the Government's procurement portal.
- (b) Each tender received via the Corporate Tendering Portal is automatically date and time stamped. The tender cannot be accessed until after the tender submission deadline.
- (c) 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.
- (d) Exemption from using the Corporate Tendering Portal can only be obtained with the written consent of the Group Finance Director or an officer nominated by them.
- (e) Where quotes are obtained outside of the Corporate System these must be retained by the relevant Service Director, 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.

19.16 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
up to £29,999.99	Goods Works Services Concession	Minimum one quote in writing, (local supplier if possible) or Use of an approved Framework	Officer authorised by the relevant Service Director

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£30,000.00 and over up to public procurement regulatory threshold	Goods Services	A minimum of three written quotes (one from a local supplier if possible). 6 recommended as best practice. or Use of an approved Framework	Officer authorised by the relevant Service Director or the Procurement Team
£30,000.00 and over up to £999,999.99	Works Concession	Minimum 4 written quotes or Use of an approved Framework A full tender process recommended as best practice.	Officer authorised by the relevant Service Director with the Procurement Team taking the lead
Over public procurement regulatory threshold	Goods Services	Tender process in compliance with legal requirements undertaken via the Procurement Portal or Use of an approved legally compliant Framework or Dynamic Market	
£1M and over up to public procurement regulatory threshold	Works Concession	Minimum 6 written quotes. A full tender process recommended as best practice or Use of an approved legally compliant Framework or Dynamic Market	Officer authorised by the relevant Service Director with the Procurement Team taking the lead
Over public procurement regulatory threshold	Works Concession	Tender process in compliance with legal requirements undertaken via the Procurement Portal or Use of an approved legally compliant Framework or Dynamic Market	

19.17 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
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£0 – up to public procurement regulatory threshold	Service Director or relevant officer authorised by Service Director.
public procurement regulatory threshold - up to Key Decision Threshold	Group Finance Director or Deputy Chief Executive provided there is a budget and project approval has been given by OCB/Development Board, Corporate Leadership Team or Cabinet
Over Key Decision Threshold	Cabinet

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

- That the requirements in rule 19.6 have been complied with
- any organisation the Council is acting as agent for has provided their written agreement to the agency appointment.
- the Group Finance Director, 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.

19.18 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 Director of Law, Governance and Strategy 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 Service Director in consultation with the Director of Law Governance and Strategy and the Group Finance Director

19.19 Copies of contracts and register of contracts

(a) Storage of Contracts

Contracts with a value of £214,000 or more (and any variations to such contracts) shall be sent to the Group Finance Director 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 £214,000 will be retained by the relevant service area in line with the retention policies of the Council. The Contract Manager/Service area must keep hard copies of their contracts and any variation of such contracts for the above detailed period of time.

(b) Keeping a register of contracts

The Group Finance Director will keep and publish on the Council's website a central register of contracts of £30,000 or over, recording and publishing details as required under the Transparency Code for Local Government.

19.20 Contract Management

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

- Reporting contract performance to the Government's 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 £214,000 or over);
- maintaining a risk register, where required;
- notifying the Procurement Team when a contract is terminated (whether during the contractual period or at the end of the Contractual period);
- notifying the Procurement Team 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.

19.21 Legal claims relating to contracts

Claims by or against suppliers must be promptly notified to the Director of

Law, Governance and Strategy and legal advice sought. All settlements of disputes must be agreed by the Director of Law, Governance and Strategy in accordance with the Legal Rules.

19.22 Varying contracts

a) Contract specifically provides for variation

Contracts may be varied by a Service Director in consultation with the Procurement Team only where:

- The contract allows for the variation.
- The variation is carried out in accordance with the terms of the contract;
- The Service Director is satisfied that the variation represents best value;
- Legal advice has been sought in advance of a decision to confirm the variation is permitted.
- 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 and/or the Public Contract Regulations 2015 to being regulated under the same; and
 - does not result otherwise in a breach of procurement law.

b) Contract does not specifically provide for variation

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 the Procurement Team and have agreement on behalf of the Director of Law, Governance and Strategy before taking the below action to modify the contract. A variation of a public (above threshold) 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 (Director of Law, Governance and Strategy).

Where a variation to a contract is required and is not provided for in the contract the following will apply:

Cumulative Value of the proposed variations including VAT	Who may take the decision to vary
£0 - £29,999.99	Service Director or relevant officer authorised in writing by Service Director.

£30,000 - public procurement regulatory threshold	Service Director or relevant officer authorised in writing by Service Director.
public procurement regulatory threshold – up to Key Decision Threshold	Group Finance Director or Deputy Chief Executive provided there is a budget.
Over the Key Decision Threshold	Cabinet

Where any variation takes the total spend under the contract above the Key Decision Threshold the decision to vary is a Key Decision and must be referred to Cabinet.

Where any variation takes the total spend under the contract above £5M, the officer will be required to publish the contract in full to the Central Digital Platform along with a minimum of 3 Key Performance Indicators which will need to be monitored and reported against on a yearly basis.

Notice of the variation, once agreed, must be sent to the Procurement Team prior to being implemented to enable accurate contract recording and appropriate notices to be published.

19.23 Interpreting the contract rules

Questions about the contract rules and any related guidance will be dealt with by the Group Finance Director or the Director of Law, Governance and Strategy and their ruling will be final.

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

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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 Group Finance Director 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 Service Director;
 - 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 Service Director 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 Group Finance Director.
- 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 Group Finance Director
 - provide £1,000,000 professional insurance or any other level of cover recommended by the Group Finance Director
 - produce proof of insurance (for example copies of the insurance certificates) if the Service Director thinks it necessary
 - provide a bond (or other suitable form of guarantee) for 10 per cent of the contract value if the Group Finance Director 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 Service Director 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 Service Director will consult the Director of Law, Governance and Strategy 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

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Appendix 2 Procedure for contract with Teckal Companies

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

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 that it 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 £30,000	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 or	All proposed contracts must have a detailed

<p>equal to £150,000 (goods and Services)</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>£150,000 to £1m</p>	<p>All proposed contracts must have a detailed specification.</p> <p>For audit purposes, the justification that the contract is subsidy compliant 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>£1m and over</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 compliant 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

	<p>assess the commercial price or price range for the 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>
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20. Employment rules

- 20.1 Appointments Committee
- 20.2 The Investigation and Disciplinary Committee
- 20.3 Independent Persons Panel
- 20.4 Appointing the Head of Paid Service (Chief Executive)
- 20.5 Designating the role of Chief Finance Officer and Monitoring Officer
- 20.6 Appointing other Chief Officers and Deputy Chief Officers
- 20.7 Dismissing the Chief Executive and Statutory Officers
- 20.8 Procedure for proposed disciplinary action against a Statutory Officer involving dismissal
- 20.9 Procedure for Investigation and Disciplinary Committee
- 20.10 Dismissing other chief officers and deputy chief officers
- 20.11 Appointing political assistants
- 20.12 Councillors not to be involved in appointing or dismissing other officers
- 20.13 Recruitment and selection procedure
- 20.14 Relationships with councillors and officers
- 20.15 Lobbying
- 20.16 Employee Code of Conduct

20.1 Appointments Committee

The powers and duties of the Appointments Committee are set out in Part 7.8.

20.2 The Investigation and Disciplinary Committee

The powers and duties of the Investigation and Disciplinary Committee are set out in Part 7.6.

20.3 Independent Persons Panel

The powers and duties of the Independent Persons Panel are set out in Part 7.7

20.4 Appointing the Head of Paid Service (Chief Executive)

The appointment of the Head of Paid Service (Chief Executive) is subject to some specific requirements as set out below.

Where the Council proposes to appoint the Head of Paid Service, the Appointments Committee will oversee the arrangements for filling the vacancy. The Committee shall include at least one member of the Cabinet in its membership. The Head of Paid Service is appointed by Council on the recommendation of the Appointments Committee.

Where it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request.

Following the interview of candidates, the Appointments Committee will come to a view as to the most suitable person to recommend for the position.

Before an offer of appointment is made by the Appointments Committee for the role of Head of Paid Service (Chief Executive), the Appointments Committee must notify the Director of Law, Governance and Strategy who it wishes to appoint and anything else that the Appointments Committee considers is relevant to the appointment.

The Director of Law, Governance and Strategy must notify every member of the Cabinet of:

- (i) The name of the person to whom the Appointments Committee wishes to make the offer;
- (ii) Any other particulars relevant to the appointment which the Appointments Committee has notified; and
- (iii) The period within which any objections to the making of the offer are to be made by the Leader on behalf of the Cabinet to the Director of Law, Governance and Strategy

An offer of appointment must wait until:

- (iv) The Leader has within the period specified in the notice under subparagraph (iii) above, notified the Director of Law, Governance and Strategy that neither the Leader nor any other member of the Cabinet has any objection to the making of the offer;
- (v) The Director of Law, Governance and Strategy has notified the Appointments committee that no objection has been received by them within that period from the Leader; or
- (vi) The Appointments Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded. Where necessary, the advice of the Director of Law, Governance and Strategy shall be sought.

Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Appointments Committee will recommend that person for appointment to the next meeting of the Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.

Where following the interviews the Appointments Committee is of the view that there is no suitable candidate, it will re-advertise the post.

Where the Council does not approve the recommendation of the Appointments Committee, it shall indicate how it wishes to proceed.

20.5 Designating the role of Chief Finance Officer and Monitoring Officer

The roles of Chief Finance Officer (Group Finance Director) and Monitoring Officer (Director of Law, Governance and Strategy) will be designated by Council.

20.6 Appointing other Chief Officers and Deputy Chief Officers

Before an offer of appointment is made by the appointor to:

- a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989, which for the Council means the Group Finance Director;
- A statutory chief officer within the meaning of Section 5 of the Local Government and Housing Act 1989, which for the Council means the Director of Law, Governance and Strategy (Monitoring Officer)
- A statutory chief officer appointed as the Head of Paid Service, which for the Council means the Chief Executive
- a non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989, which for the Council includes Deputy Chief Executives and any posts that report directly to the Chief Executive; or
- a deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 which means those posts that report to a statutory or non-statutory chief officer and for the Council is the remaining Service Directors to the extent that they are not a chief officer under and of the above;

the appointor must notify the Director of Law, Governance and Strategy who it wants to appoint and anything else that the appointor considers is relevant to the appointment.

The Director of Law, Governance and Strategy must notify every member of the Cabinet of:

- (i) The name of the person to whom the appointor wishes to make the offer;
- (ii) Any other particulars relevant to the appointment which the appointor has notified to the Director of Law, Governance and Strategy; and
- (iii) The period within which any objections to the making of the offer are to be made by the Leader on behalf of the Cabinet to the Director of Law, Governance and Strategy

An offer of appointment must wait until:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Director of Law, Governance and Strategy that neither the Leader nor any other member of the Cabinet has any objection to the making of the offer;
- (v) The Director of Law, Governance and Strategy has notified the appointor that no objection has been received by them within that period from the Leader; or

- (vi) The appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded. Where necessary, the advice of the Director of Law, Governance and Strategy shall be sought.

20.7 Dismissing the Chief Executive and Statutory Officers

The Investigation and Disciplinary Committee will be responsible for proposals to dismiss the Chief Executive, Monitoring Officer and Chief Finance Officer.

Any disciplinary action short of dismissal, including a decision to suspend, against the Chief Executive, Monitoring Officer or Chief Finance Officer (“the Statutory Officers”) will be the responsibility of the Investigation and Disciplinary Committee.

Any dismissal of one of the Statutory Officers must be approved by Council, following a decision of the Investigation and Disciplinary Committee and consideration by the Independent Persons Panel.

Notice of dismissal of one of the Statutory Officers must not be given until the Investigation and Disciplinary Committee has notified the Director of Law, Governance and Strategy that it wishes to dismiss the officer and any other particulars which the Investigation and Disciplinary Committee considers are relevant to the dismissal.

The Director of Law, Governance and Strategy must notify every member of the Cabinet of:

- (i) The fact that the Investigation and Disciplinary Committee wishes to dismiss the officer;
- (ii) Any other particulars relevant to the dismissal which the Investigation and Disciplinary Committee has notified to the Director of Law, Governance and Strategy; and
- (iii) The period within which any objections to the making of the dismissal are to be made by the Leader on behalf of the Cabinet to the Director of Law, Governance and Strategy

And either:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Director of Law, Governance and Strategy that neither the Leader nor any other member of the Cabinet has any objection to the making of the dismissal;
- (v) The Director of Law, Governance and Strategy has notified the Investigation and Disciplinary Committee that no objection has been received by them within that period from the Leader; or
- (vi) The Investigation and Disciplinary Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

Where following the above procedure there are no objections to the proposed dismissal or the objections are not upheld, the Investigation and Disciplinary

Committee will follow the procedure set out in paragraph 20.8 below to recommend the dismissal to a meeting of the Council.

20.8 Procedure for proposed disciplinary action against a Statutory Officer involving dismissal

This procedure applies if the Investigation and Disciplinary Committee proposes disciplinary action involving the dismissal of the Head of Paid Service, Group Finance Director or Monitoring Officer.

- (a) Where this procedure applies, the Investigation and Disciplinary Committee will provide the Independent Persons Panel with the information and any other matters provided to members of the Cabinet and any other particulars relevant to the dismissal that the Investigation and Disciplinary Committee considers appropriate or that the Panel may reasonably require. The Investigation and Disciplinary Committee may invite the Independent Persons Panel to attend any disciplinary or capability hearing.
- (b) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to the Council.
- (c) The Council may pay remuneration, allowances or fees to an Independent Person appointed to the Panel as it thinks appropriate having due regard to the level of fees payable to that Independent Person in their role as Independent Person under the Localism Act 2011 .
- (d) Council will not meet to consider whether or not to approve the proposal of the Investigation and Disciplinary Committee to dismiss the officer until a period of at least 20 working days has elapsed from the appointment of the Independent Persons Panel.
- (e) Before Council takes a vote at a meeting on whether or not to approve such a dismissal, it must take into account, in particular:
 - (i) any advice, views or recommendations of the Independent Persons Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the Statutory Officer.
- (f) If the Council approves the recommendation of the Investigation and Disciplinary Committee, then notice of dismissal can be issued. Where the Council does not approve the recommendation, it shall indicate how it wishes to proceed.

The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 as amended will be followed.

20.9 Procedure for Investigation and Disciplinary Committee

(a) Fact Finding and Investigation

It will be in the interests of all parties that the proceedings be conducted expeditiously and fairly.

In considering any complaint/allegations made the Committee may:

- make such enquiries of the Statutory Officer or any other person as it considers appropriate
- request additional information, explanations or documents from any person
- invite or receive representations from any person.

The Committee having carried out such steps as it considers appropriate and having heard representations from the Statutory Officer or his/ her adviser/representative will decide whether the issues:

- require no further formal action, or
- should be referred to an Independent Investigator (“an II”)

In considering whether the threshold in deciding to appoint an II has been met the Committee will assess whether:

- if the allegations are proved it would be such as to lead to the dismissal or other action which would be recorded on the officer’s personnel file
- there is evidence in support of the allegation/issue sufficient to require further investigation.

In deciding whether the threshold for the appointment of an II has been reached the Committee may carry out such preliminary investigations as it considers appropriate or necessary or authorise officers to do so. This will be solely for the purpose of establishing whether or not the threshold for appointing an II to carry out an investigation has been met.

Before deciding to appoint an II or suspend a Statutory Officer the Committee will invite representations from the Statutory Officer unless it is impracticable to do so.

The Statutory Officer will have the right to be accompanied at the Committee meeting.

(b) Receiving the Independent Investigator’s Report/ Hearing

The Committee should receive any report produced by an II in relation to a Statutory Officer within one month of the receipt of the report by the Council. The Statutory Officer will have the right to attend and be accompanied at the committee meeting which considers the II’s report.

The Committee will consider the II’s report and invite representations from the Statutory Officer and/or his/her adviser/representative. The Committee may impose disciplinary sanctions as set out in the Council’s disciplinary procedures, the JNC Terms and Conditions Handbook for Chief Officers and the JNC Terms and Conditions Handbook for Chief Executives. In conducting any hearing the Committee will have regard to the model disciplinary procedure in the JNC handbook for Chief Executives.

(c) Decision

If the Committee decides that the Statutory Officer should be dismissed the Council will consider the Committee’s recommendation of dismissal.

Prior to consideration by Council the Independent Persons Panel will consider the matter and the Director of Law, Governance and Strategy will give all members of the Cabinet the opportunity to raise any objections prior to the decision as set out above.

If a Statutory Officer has been suspended for a period of two months (or in the case of a decision to suspend taken under any appropriate urgency provisions) then the Committee will review that suspension. The Committee will continue to review any continuing suspension every 2 months. In carrying out any such review the Committee will consider any representations made by the IO and the Statutory Officer and/or his or her adviser/representative.

For the avoidance of doubt, if a Statutory Officer chooses to retain professional advice and/or representation at or in respect of any meeting of or hearing before the Committee, then the Statutory Officer in question will be responsible for the cost of that advice or representation.

20.10 Dismissing other chief officers and deputy chief officers

The Investigation and Disciplinary Committee will be responsible for proposals to dismiss the Deputy Chief Executives and Service Directors.

Notice of dismissal may not be given by the dismissor to:

- a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;
- a non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989 (see part 20.6); or
- a deputy chief officer (see part 20.6);
- until the dismissor has notified the Director of Law, Governance and Strategy who it wants to dismiss and anything else that the dismissor considers is relevant to the dismissal.

The Director of Law, Governance and Strategy must notify every member of the Cabinet of:

- (i) The name of the person whom the dismissor wishes to dismiss;
- (ii) Any other particulars relevant to the dismissal which the dismissor has notified to the Director of Law, Governance and Strategy; and
- (iii) The period within which any objections to the making of the dismissal are to be made by the Leader on behalf of the Cabinet to the Director of Law, Governance and Strategy

And either:

- (iv) The Leader has, within the period specified in the notice under subparagraph (iii) above, notified the Director of Law, Governance and Strategy that neither the Leader nor any other member of the Cabinet has any objection to the making of the dismissal;
- (v) The Director of Law, Governance and Strategy has notified the dismissor that no objection has been received by them within that period from the Leader; or

- (vi) The dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

20.11 Appointing political assistants

Appointments of political assistants will follow the wishes of the respective political group.

20.12 Councillors not to be involved in appointing or dismissing other officers

Councillors will not be involved in appointing or dismissing anyone except as set out above. The members of the Cabinet will be consulted in relation to the appointment or dismissal of chief officers and deputy chief officers as set out above. Other officers are appointed and dismissed by their Service Director. The delegated powers in relation to the appointment and dismissal of staff are set out in Part 5.15.

All officers except political assistants must be appointed on merit.

Councillors may be invited to observe disciplinary appeal hearings against dismissal.

20.13 Recruitment and selection procedure

All appointments must follow the Council's recruitment and selection procedure.

20.14 Relationships with councillors and officers

Candidates must disclose on their application form whether they are related to any councillor or officer or any councillor or officer's partner as their partner, parent, child, stepchild, adopted child, grandparent, grandchild, brother, sister, uncle, aunt, niece or nephew.

If a candidate declares a relationship with a councillor or officer or their partner, their appointment must be approved by the appropriate Service Director. (If they have declared a relationship with the Director or their partner, it must be approved by the Chief Executive/ Deputy Chief Executive as appropriate).

20.15 Lobbying

Councillors and officers must not lobby for or against candidates. The Council will disqualify candidates who lobby councillors or officers or get other people to lobby them. Candidates will be warned about this in the recruitment literature.

20.16 Employee Code of Conduct

All officers must adhere to the Employee Code of Conduct.

21. Legal rules

[21.1 Legal officers](#)

[21.2 Signing of documents](#)

[21.3 Common Seal of the Council](#)

21.1 Legal officers

The Director of Law, Governance and Strategy can take any legal action necessary to carry out the Council's decisions or protect its interests. This will include:

- to prosecute, defend, make application, serve any notice or appear on behalf of the Council in any court, tribunal or hearing on any criminal, civil or other matter (including appeals);
- to settle any proceedings;
- to instruct external legal advisors;
- to institute legal proceedings under any local byelaws or orders within the Council's area; and
- to lodge objections to any proposal affecting the Council's interests.

21.2 Signing of documents

When the Council takes legal action, documents will be signed in the name of the Director of Law, Governance and Strategy, unless:

- The law allows someone else to sign them and
- The Director of Law, Governance and Strategy has given that person permission to sign them.

21.3 Common Seal of the Council

The common seal of the Council will be kept by the Director of Law, Governance and Strategy. It will be attested by the Director of Law, Governance and Strategy or a senior officer nominated by her or him.

The Council will keep a book recording when the common seal is used. The book will be signed by the officer who attests the seal.

The Council chooses not to make Tree Preservation Orders under seal. They are signed and then issued.

The Common Seal of the Council can be either physical or digital.

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22. Members' Code of Conduct

22.1 The Members' Code of Conduct

22.2 Does the code apply when Councillors represent the Council on another body?

22.3 Social Media

22.4 Intimidation

22.5 Declaring Interests

22.6 Members' code of conduct and public perception

22.7 Sensitive information

22.1 The Members' Code of Conduct

The Council adopted a code of conduct for members at the full Council meeting on 21 March 2022. The code as adopted is annexed to this section of the Constitution (Annex 1). Any complaints made in relation to this code will be considered by the Monitoring Officer in accordance with the Council's Code of Conduct Complaint Handling Arrangements (Annex 2-6).

22.2 Does the code apply when Councillors represent the Council on another body?

When Councillors are representing the Council on another body, they must follow the code unless it conflicts with a legal duty of the other body.

22.3 Social Media

The Council has agreed a Social Media Protocol to provide guidance to Councillors on the use of social media. The protocol is annexed to this section of the Constitution (Annex 7).

22.4 Intimidation

Councillors must not intimidate or try to intimidate anyone who is likely to:

- complain about the code being broken or
- act as a witness in relation to an investigation of a breach of the Code.
- be involved in dealing with a complaint.

22.5 Declaring Interests

(a) What interests must Councillors declare?

Councillors must declare the interests the members' code of conduct requires them to declare. The code requires councillors to declare disclosable pecuniary interests.

(b) What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to a councillor's employment; sponsorship (ie. payment for expenses incurred by the councillor in carrying out their duties as a councillor or towards their election expenses); contracts; land in the Council's area; licences for land in the Council's area; and corporate tenancies; and securities. These declarations must be recorded in each Councillor's Register of Interests which is publicly available on the Council's website. Disclosable pecuniary interests that must be declared are not only those of the councillor her or himself but also those of the councillor's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

(c) When must a member register a disclosable pecuniary interest?

- Within 28 days of taking office as a councillor
- For interests not shown on the register, within 28 days of declaring that interest at a meeting

(d) Declaring an interest

Where any matter disclosed in a councillor's Register of Interest is being considered at a meeting, the councillor must declare that they have an interest. The councillor should also disclose the nature as well as the existence of the interest.

If the councillor has a disclosable pecuniary interest, after having declared it at the meeting they must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

(e) Dispensation

The Council may grant general dispensations applicable to all Councillors. The standards committee may grant dispensation to speak or vote on a matter at a meeting where a Councillor has a disclosable pecuniary interest. The Monitoring Officer has delegated authority to grant individual dispensations (Part 9.4(g)). But unless dispensation has been granted the provisions of (d) above apply.

Under section 33 of the Localism Act 2011 the following dispensations were granted for four years from 1 October 2026:

- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to Members
- Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- Housing Benefit: where the Councillor (or spouse or partner) receives housing benefit;
- Any Ceremonial Honours given to Members;
- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and

- Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation).

22.6 Members' code of conduct and public perception

Even if a councillor does not have a disclosable pecuniary interest in a matter, the members' code of conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that a member "must not place yourself in situations where your honest and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

22.7 Sensitive information

Information about a Councillor's interests is sensitive if making it public would be likely to create a serious risk of violence or intimidation to the Councillor or someone they live with. Councillors do not have to include information in the register of interests if the Monitoring Officer agrees that it is sensitive. If a Councillor finds out that the information has stopped being sensitive, they must tell the Monitoring Officer within 28 days and ask for it to be included in the register.

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Oxfordshire Councils' Councillor Code of Conduct 2022

February 2022

1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

3.0 Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the local authority. A "co-opted member" is defined in the *Localism Act 2011 Section 27(4)* as "a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.
- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any

- person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A Councillor:

- 6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.**
- 6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor,

you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A Councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A Councillor:

- 6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
- i. They have received the consent of a person authorised to give it; or**
 - ii. They are required by law to do so; or**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**
- 6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**
- 6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.**
- 6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**

6.5 Disrepute

A Councillor:

- 6.5.1 Shall not bring their role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

6.6 Use of position

A Councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A Councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A Councillor:

6.8.1 Shall undertake Code of Conduct training as required by the local authority.

6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know

early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must

disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A Councillor:

- 8.1 **Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Discloseable Pecuniary Interests

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Discloseable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.</p>

* 'Director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body of which you are a member or in a position of general control or management
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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ANNEX 2

Procedure for dealing with code of conduct complaints against councillors



1. The Code of Conduct

The Localism Act 2011 requires all local authorities to adopt a code of conduct setting out the standards of behaviour expected from local councillors.

Oxford City Council has adopted a code of conduct for members, which is available for inspection on the [council's website](#) and on request from the Monitoring Officer: standards@oxford.gov.uk.

Each of the parish councils in Oxford may adopt their own Code of Conduct and a copy of their Code of Conduct should be found on the relevant parish council website.

The Localism Act 2011 also requires local authorities to have in place "arrangements" under which allegations that an elected or co-opted member of the district or parish council has failed to comply with the relevant Code of Conduct can be investigated and decisions made on such allegations.

These arrangements set out:

1. how to make a complaint about the conduct of an elected or co-opted member of Oxford City Council or of the following parish councils: Blackbird Leys PC; Old Marston PC; Littlemore PC; Risinghurst & Sandhills PC
2. how the Council will deal with such complaints

Decisions reached by the Monitoring Officer under this complaints process will be reported to the next scheduled meeting of the Standards Committee for noting.

2. Making a complaint

Complaints must be submitted in writing to Oxford City Council's Monitoring Officer using the [Code of Conduct complaint form](#). When complete, your form should be sent to the Monitoring Officer by post or email (preferred).

By post: Monitoring Officer (SA 3.8), Oxford City Council St Aldate's Chambers, 109-113 St Aldates, Oxford, OX1 1DS

Email: standards@oxford.gov.uk

The Monitoring Officer will not normally consider a complaint unless it is in writing and a complaint form has been received. This is to ensure that all of the relevant information is provided and, where necessary, consent to share information has been obtained so that the complaint can be processed.

If you do not have access to the internet or have difficulty completing the form please contact 01865 252402 for assistance.

Where a complaint is made against more than one councillor, a separate complaint form must be completed in respect of each councillor.

If you are making the complaint on behalf of a number of individuals, please nominate one person as the single point of contact to whom all correspondence will be addressed.

3. The complaint process

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days.

The Monitoring Officer is entitled to dismiss the complaint at the outset if:

- the Subject Councillor is no longer a councillor;
- the complaint is made anonymously;
- the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation and there is nothing further to be gained;
- the complaint is essentially against the action of the council as a whole and cannot properly be directed against individual councillor(s);
- the complaint does not relate to the conduct of a councillor and is a service complaint or other matter;
- the complaint is against an officer of the Council.

If the complaint identifies criminal conduct (including a failure to register disclosable pecuniary interests) or breach of other regulations by any person, the Monitoring Officer will refer the complaint to the police or other regulatory agencies. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded.

Anonymous complaints will not normally be investigated, unless there is clear public interest in doing so and the Monitoring Officer considers that a fair investigation can be carried out.

Requests from Complainants for the Monitoring Officer to withhold their identity, so that they remain anonymous to the Subject Councillor, are not ordinarily granted. The Monitoring Officer has to balance the right of the Subject Councillor to properly understand the complaint against them and respond to it, with the rights of the Complainant. This normally means that the Subject Councillor will need to be told who is making the complaint.

All parties are encouraged to respond promptly to any correspondence in relation to the complaint. All parties will be kept updated as to how the complaint is progressing. If at any stage in the complaint process the Complainant fails to respond, the complaint may be treated as withdrawn; if

the Subject Councillor fails to respond, the complaint will be determined on the basis of the information available.

Index	
This document	gives an explanation of the complaints process
Paragraph 9	indicative timescale for each stage of the complaint process
Annex 3	flow chart detailing the complaint process
Annex 4	glossary of terms used during the complaint process
Annex 5	procedure to be followed by the Local Hearing Panel
Annex 6	Complaint form

4. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with an Independent Person (either in person or electronically), take a decision as to the following:

- That no further action should be taken
- Refer the complaint for local resolution (which might involve an apology or training or some other form of mediation)
- Refer the complaint for investigation

This is known as the Assessment stage and its purpose is to establish if there are valid grounds to investigate the complaint. At this stage there is no consideration or decision about whether or not there has been a breach of the Code of Conduct.

When reviewing Code of Conduct complaints the Monitoring Officer, in consultation with an Independent Person(s), will have regard to the following assessment criteria:

Adequate information	<p>The Monitoring Officer must be satisfied that there is sufficient information available at the “initial test and assessment stage” to decide whether the complaint should be referred for investigation or other action.</p> <p>The Monitoring Officer may provide other information which is readily available and which may assist in the consideration of the complaint “initial test and assessment stage”. This may include details of attendees at events, copies of agendas, reports and minutes of meetings or copies of the Members’ entry in the Register of Members’ Interests. It will not include conducting interviews with witnesses.</p> <p>If insufficient information is available, the Monitoring Officer will not normally refer the complaint for investigation or other action.</p>
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Official capacity	The Monitoring Officer must be satisfied that that the Subject Member was acting in an official capacity.
Timescale	The Monitoring Officer will take into account when the events subject to the complaint took place and will not normally investigate or pursue other action if the events occurred more than 6 months prior to the complaint being submitted other than in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.
Seriousness	<p>The Monitoring Officer will not normally refer a matter for investigation or other action if it is considered trivial, malicious, vexatious, politically motivated¹ or tit-for-tat.</p> <p>Where the complaint appears to relate to the “rough and tumble of political debate” and pertains to conduct between Members or Members and co-opted Members rather than between Members and the public or officers, in most instances no further action will be taken.</p>
Public interest	<p>Consideration will be given as to whether the public interest² would be served by referring a complaint for investigation or other action.</p> <ul style="list-style-type: none"> • the public interest would not normally be served where, for instance, a member has died, resigned or is seriously ill. • If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken. • If the complaint relates to a former Member of Oxford City Council or one of the parish councils within the city boundary who is now a Member of another authority the Monitoring Officer may refer the matter to that authority for consideration.
Multiple Complaints	A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Monitoring Officer at the same time. Each complaint will, however, be determined separately. If an investigation is deemed to be appropriate the Monitoring Officer may decide that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

¹ If something is politically motivated, it is carried out in the interests of a particular government or political party or individual

² used when talking about people's rights to know the facts about a particular situation

Before reaching a decision the Monitoring Officer may request further information from the Complainant and the Subject Councillor or obtain information which is readily available such as minutes of Council meetings. If the complaint relates to a Parish Councillor the Monitoring Officer may consult the Parish Council. This will extend the timescale for dealing with the complaint.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. If the Subject Councillor makes a reasonable offer to settle the complaint informally, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

The Monitoring Officer will normally reach an assessment within 20 working days of receipt of the complaint, however, in some instances this may take longer.

If the Monitoring Officer decides not to investigate the complaint he/she will explain why. That will be the end of the matter.

5. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits investigation, he/she will appoint an Investigating Officer, who may be another officer of the Council, an officer of another authority or an external investigator.

The Investigating Officer will usually need to speak to the Complainant to discuss the complaint and may need to see relevant documents or interview other witnesses. The Complainant will be able to suggest what documents and which witnesses the Investigating Officer should consider seeing.

The Investigating Officer will also normally see the Subject Councillor and provide them with the same opportunity to identify sources of evidence and witnesses.

At the end of his/her investigation, the Investigating Officer will produce a draft report and send it, in confidence, to the Complainant and to the Subject Councillor, for comment.

The Investigating Officer will consider any comments the Complainant and/or the Subject Councillor make before sending the final report to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied with the quality of the investigation undertaken and that the Investigating Officer's report is sufficient, the Monitoring Officer will write to

the Complainant and to the Subject Councillor, confirming that he/she is satisfied that no further action is required. A copy of the Investigating Officer's final report will be provided to the Subject Councillor at that time. If the case concerns a Parish councillor he/she will also send a copy to the Parish Council concerned. That will be the end of the matter.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

In considering the Investigating Officer's report, the Monitoring Officer may consult with an Independent Person(s) if he/she considers it appropriate to do so.

The Monitoring Officer may consider that there are "learning points" which should be shared with the Subject Councillor or the Standards Committee.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and after consulting an Independent Person(s) will then either seek local resolution or send the matter for local hearing before the Standards Committee.

Local Resolution

If the Monitoring Officer thinks that the complaint can reasonably be resolved without the need for a hearing he/she will consult with an Independent Person(s) and with the Complainant and seek to agree a fair resolution. It is important though that any resolution also helps to ensure higher standards of conduct for the future. Possible local resolutions may include the Subject Councillor accepting that his/her conduct was unacceptable and offering an apology. If the Subject Councillor complies with the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee (and, where relevant, to the Parish Council for information), but will take no further action. That will be the end of the matter.

Local Hearing Panel

If the complaint is not resolved through local resolution then the Monitoring Officer will refer the Investigating Officer's report to the Standards Committee which will convene a Local Hearing Panel to determine whether or not the Code of Conduct was breached.

The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.

This is not a Court process but, in order to be fair to everyone, formalities are followed so that a proper decision can be reached.

The procedure to be followed is detailed at Annex 5.

The Local Hearing Panel may conclude that the Subject Councillor did not fail to comply with the Code of Conduct, and so dismiss the complaint. That will be an end to the matter.

8. What action can the Local Hearing Panel of the Standards Committee take when a Councillor has failed to comply with the Code of Conduct?

If the Local Hearing Panel concludes that the Subject Councillor did fail to comply with the Code of Conduct, the Chair will inform the Subject Councillor of this finding and the Panel will then consider what action, if any, it should take as a result of the failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Councillor an opportunity to make representations and will consult the Independent Person(s).

The Local Hearing Panel may:

- Censure or reprimand the Subject Councillor;
- Recommend to the Subject Councillor's group leader (or in the case of un-grouped members, recommend to Council) that he/she be removed from any or all Committee or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject Councillor be removed from the City Executive Board, or removed from particular portfolio responsibilities;
- Recommend to Council that the Subject Councillor be replaced as Executive Leader;
- Instruct the Monitoring Officer to, or recommend that a Parish Council, arrange training for the Subject Councillor.
- Publish its findings in respect of the Subject Councillor's conduct;
- Report its findings to Council, or to a Parish Council, for information;

The Local Hearing Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

Within 10 working days the Monitoring Officer will prepare a formal decision notice, in consultation with the Chair of the Local Hearing Panel, and send a copy to the Complainant, to the Subject Councillor (and to the Parish Council if appropriate).

The decision notice will be published as part of the minutes of the Local Hearing Panel meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential or it contains exempt information.

9. Timescales

The timescales quoted below are indicative. They are not guaranteed and are included here to illustrate the likely duration of the complaints process. Actual timescales may be significantly shorter or longer depending on the complexity and content of the complaint.

Stage in complaints process	Indicative timescales
Acknowledge receipt of complaint or dismissal of invalid complaints	within 5 working days of receipt of complaint
Assessment stage decision	Issued to Subject Councillor and Complainant within 25 working days of receipt of complaint
Investigation	A formal investigation normally takes around 8 - 12 weeks from the appointment of an appropriate investigator
Local Hearing Panel	within 25 working days of receipt of the final investigation report – which includes: <ul style="list-style-type: none">• 10 working days to prepare hearing papers and hold any pre-hearing meetings• 10 working days for Subject Councillor to submit a response to the Investigator's report and hearing papers• 5 working days for agenda publication
Local Hearing Panel decision	Issued to Subject Councillor and Complainant and published within 10 working days of the Local Hearing Panel meeting

10. Appeals

There is no right of appeal for the Complainant or for the Subject Councillor against a decision of the Monitoring Officer or of the Standards Committee.

However, the Monitoring Officer reports these decisions to the Council's Standards Committee so there is oversight of how these matters are dealt with.

11. Document Retention

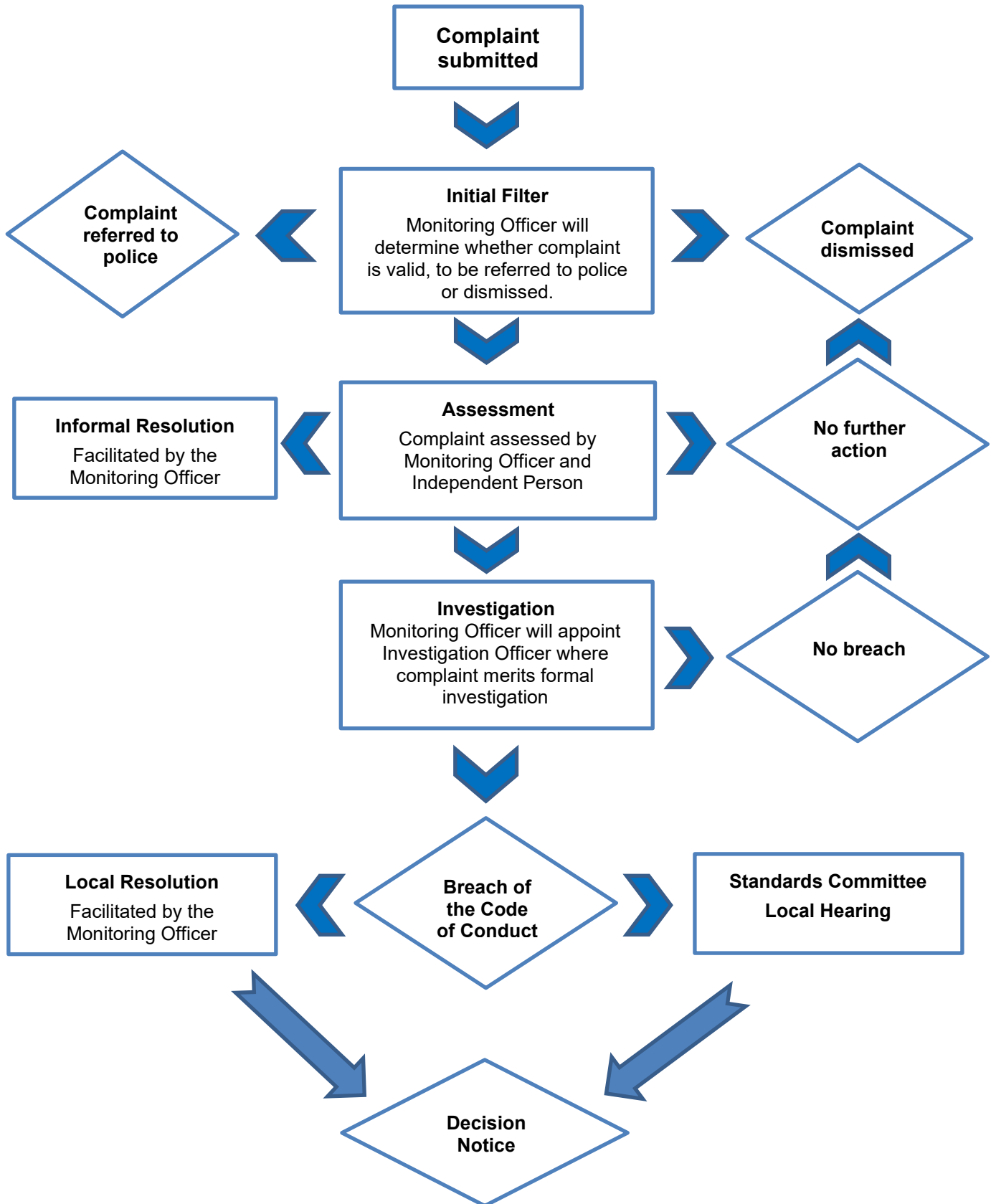
The documentation relating to a complaint will be retained for 6 years from the conclusion of the complaint, irrespective of the outcome of the complaint. Minutes of the Standards Committee will be retained in the same way as the minutes of other council decision making bodies.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements. The Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter.

ANNEX 3

Arrangements for dealing with code of conduct complaints against councillors: Flow chart



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ANNEX 4

Arrangements for dealing with code of conduct complaints against councillors: Glossary of terms

www.oxford.gov.uk



Complainant(s)	The person/people making the complaint.
Initial tests and assessment stage	A meeting or discussion between the Monitoring Officer and an Independent Person to consider a complaint against the initial tests and assessment criteria.
Local Hearing	A meeting of the Local Hearing Panel of the Standards Committee at which they consider whether the “Subject Councillor” has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person’s views before it takes decision on a complaint that it has decided to investigate. The Independent Person’s views can also be sought by the council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice to a Subject Councillor.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Local Hearing Panel of the Standards Committee. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.
Monitoring officer	The Monitoring Officer is a senior officer of the council who has statutory responsibility for maintaining the register of councillors’ interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
Public interest	Public interest ¹ considerations are at the heart of this process. The Monitoring Officer must balance the appropriate use of public resource in dealing with complaints with the extent to which it may be in the public interest to take further action, and what that further action should be (informal resolution of a formal investigation perhaps leading to a finding of a breach of the code and sanctions being imposed).
Subject Councillor	The councillor, co-optee, or parish councillor against whom an allegation has been made.

¹ used when talking about people's rights to know the facts about a particular situation

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ANNEX 5

Arrangements for dealing with code of conduct complaints against councillors: Local Hearing Panel Procedure



Introduction

Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Committee, a Local Hearing Panel will be convened to determine whether the Subject Councillor has failed to comply with the code of conduct.

The Monitoring Officer will seek to convene the Local Hearing Panel within 25 working days of receipt of the final Investigator's report.

The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.

Definitions

Complainant(s)	The person/people making the complaint.
Subject Councillor	The councillor, co-optee, or parish councillor against whom an allegation has been made.
Appointed Representative	The Subject Councillor may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Local Hearing, another person.
Local Hearing Panel	A meeting of a panel of three members of the Standards Committee at which they consider whether the "Subject Councillor" has breached the code of conduct.
Independent person	An Independent Person will be invited by the Monitoring Officer to attend a Local Hearing Panel and their views are sought and taken into consideration before the Local Hearing takes any decision on whether the Subject Councillor's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Local Hearing Panel. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.

Pre-hearing processes

The Monitoring Officer will invite the Subject Councillor to give his/her response in writing to Investigator's report. This is done to establish what is likely to be agreed and what is likely to be in dispute at the hearing.

The Local Hearing Panel, taking account of the advice of the Monitoring Officer, may issue directions about the way in which the Local Hearing will be conducted, for example agreeing the number and identity of witnesses. Such directions may be given either before or at the Local Hearing Panel, and may be decided at a meeting or by correspondence involving all members of the panel. Any meeting to deal with pre-hearing process issues will be held in private without the Complainant or the Subject Councillor present.

Documentation

Local Hearing Panel meetings of the Standards Committee are subject to the normal rules for publication of council agendas and access to information.

The agenda papers for the Local Hearing Panel will include:

- Monitoring Officer report
- Complaint form and documentation
- Investigator's report
- Subject Councillor's written response
- For reference: Code of Conduct, Standards Committee Local Hearing Panel procedure

The agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing Panel, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Local Hearing Panel agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard.

If the Local Hearing Panel agrees that the meeting should be held in public, the investigator's report will be made available to the press and public in attendance at the meeting.

Local Hearing Panel procedure

The Local Hearing Panel will follow normal committee procedures for apologies, selection of a Chair for that meeting and declarations of interest.

At the Local Hearing Panel, the Monitoring Officer or Legal Adviser will introduce the case that the Subject Councillor has failed to comply with the code of conduct.

The Investigator will present his/her report, call such witnesses as necessary (which may include the Complainant) and make representations to substantiate the conclusion that the Councillor has failed to comply with the Code of Conduct.

The Subject Councillor (or appointed representative) will then have an opportunity to give his/her evidence, to call witnesses and to make

representations about why he/she considers that he/she did not fail to comply with the code of conduct.

Normal hearing rules will apply in terms of providing opportunities to question witnesses and test evidence, subject to the principles of natural justice.

If the Subject Councillor (or appointed representative) is not present, then the Local Hearing Panel will consider whether to proceed to hear the case and make a decision in absence, or whether to adjourn the hearing to another time or date. If the Subject Councillor has indicated that the hearing should carry on without him/her this will normally happen.

The Local Hearing Panel may take legal advice from its legal advisor at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Local Hearing Panel would be shared in the public domain with the Subject Councillor and the Investigator if they are attending the hearing.

The Local Hearing Panel will request that all persons leave the room while they consider whether or not there has been a breach of the code of conduct.

If there is no evidence of a failure to comply with the Code of Conduct

If the Local Hearing Panel concludes that the Subject Councillor did not fail to comply with the code of conduct it will dismiss the complaint and no further action will be taken.

In that event, the Local Hearing Panel may still make general recommendations to the Council or Parish Council on any remedial actions if considers necessary to address the issues raised.

If there is evidence of a failure to comply with the Code of Conduct

If the Local Hearing Panel determines that the Subject Councillor has failed to comply with the code of conduct, the Chair will inform the Subject Councillor of this finding. The Independent Person will give his/her views on the matter, which will be recorded in the minutes of the meeting. The Chair of the Local Hearing Panel will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision.

The Local Hearing Panel will then consider what action, if any, it should take as a result. The Local Hearing Panel will give the Subject Councillor an opportunity to make representations about that and will consult the Independent Person deciding what action, if any, to take.

The Local Hearing Panel will request that all persons leave the room while they consider whether or not to impose a sanction on the Subject Councillor and, if so, what the sanction should be.

Remedies

The Council has delegated to the Standards Committee powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct. Accordingly the Local Hearing Panel may:

- Censure or reprimand the Subject Councillor;
- Recommend to the Subject Councillor's group leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committee or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject Councillor be removed from the City Executive Board, or removed from particular portfolio responsibilities;
- Recommend to Council that the Subject Councillor be replaced as Executive Leader;
- Instruct the Monitoring Officer to, or recommend that a Parish Council, arrange training for the Subject Councillor.
- Publish its findings in respect of the Subject Councillor's conduct;
- Report its findings to Council, or to a Parish Council, for information;

The Local Hearing Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

Recommendations to the Council / Parish Council

The Local Hearing Panel will consider whether it should make any recommendations to the City or Parish Council with a view to promoting high standards of conduct among councillors.

The Decision

The Monitoring Officer will, within 10 working days of the Local Hearing Panel, prepare a formal decision notice, in consultation with the Chair of the Local Hearing Panel, and send a copy to the Complainant, to the Subject Councillor (and to the Parish Council if appropriate).

The decision notice will be published as part of the minutes of the Standards Committee Local Hearing Panel meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential or it contains exempt information.

The Monitoring Officer will be responsible for the implementation of the decision of the Local Hearing Panel. The findings and recommendations of the Local Hearing Panel (as implemented by the Monitoring Officer) are final.

Departure from these arrangements

The Chair of the Standards Committee or the Chair of the Local Hearing Panel has the right to depart from this procedure, in consultation with the Monitoring Officer or Legal Advisor, at any hearing where he/she considers that it is sensible to do so to deal with the case fairly and effectively.

ANNEX 6

Arrangements for dealing with code of conduct complaints against councillors: Complaint form

Please use this form if you wish to make a Code of Conduct complaint against Oxford City Councillors or Parish Councillors ¹ or co-opted members.

If you would like to discuss your concerns informally before submitting a complaint, or if you need any support in completing this form, please contact Democratic Services on 01865 252402 or email standards@oxford.gov.uk.

Please note

- Complaints can only be accepted in writing or by email
- Complaints can only be accepted in respect of a Member's conduct at a time when they were acting in their capacity as a Councillor; the Council has no jurisdiction over the conduct of a Councillor who is not either acting in their capacity as a Councillor, conducting the business of the Council or representing the Council or its views.
- The Council is unlikely to be able to keep your identity or the information you have provided confidential if you make a complaint. If you have serious concerns about disclosure of your name and a summary of your complaint, please complete section 6 on confidential information.
- An officer from the Council may contact you personally to go through the details of your complaint.

Please send the completed form together with any attachments to:

The Monitoring Officer (SA 3.8)
Law & Governance
Oxford City Council
St Aldate's Chambers
St Aldate's
Oxford
OX1 1DS

Or by e-mail to: standards@oxford.gov.uk

¹ Blackbird Leys Parish Council; Littlemore Parish Council; Old Marston Parish Council; Risinghurst and Sandhills Parish Council.

Section 1: Your details

Title:			
First name:			
Last name:			
Address:			
Daytime telephone:			
Mobile telephone:			
Email address:			
<p>Please consider the complaint I have described below and in the evidence attached. I understand and accept that my name will normally be disclosed to the Councillor and any parties involved in the complaints procedure or outside authorities required to monitor the Council's complaints procedure by law. My personal details provided on this form may also be shared with the police in the prevention or detection of crime.</p>			
Signed:		Date:	

As the complainant, please indicate the categories which best describe you:

	Member of the public
	Elected/Co-opted Member of a Council or Parish Council (please specify):
	Independent Member of the Standards Committee
	Local Authority Monitoring Officer
	Member of Parliament
	City Council employee
	Parish Council employee (please specify):
	Other (Please specify)

Section 2: Who are you complaining about?

Please give the name of the Councillor(s) or Co-opted Member(s) of Oxford City Council or Parish Council that you believe have breached the Code of Conduct:

Title	First name	Last name	Council or Parish Council

Section 3: If your complaint concerns a Member of Oxford City Council please indicate which sections of the Members' Code of Conduct have been breached?

Paragraph	Behaviour	
3	Selflessness	
4	Objectivity	
5	Accountability	
6	Openness	
7	Honesty and Integrity	
8	Leadership	
General Obligations		
9	Respect for others	
10	Bullying	
11	Impartiality	
12	Confidential information	
13	Knowledge	
14	Professional advice	
15	Council resources	
16 - 19	Registering and declaring interests	

Section 4: What are you complaining about?

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. Include the date and details of the alleged misconduct, and any information that supports the allegation.

WHY are you complaining about them? - say what went on, how you felt about it and why you think it is unacceptable or inappropriate.	
WHAT did they do? If it relates to their language or behaviour write down what they actually said/did as you need to say what they did that was unacceptable to you	
WHEN did this take place? Be specific on the dates and times	
WHERE? - be specific where it all took place - give the address and also the details of the venue - was it in a meeting room/corridor/in the street/in the pub etc	
WITNESS - who else was there and heard what went on - you need to name the persons who can potentially be asked questions about the incident(s)	
OTHER -	
You can continue on a separate sheet if there is not enough space on this form.	

Section 5: Evidence (if this applies)

It is essential that you give evidence to support your complaint, otherwise the Monitoring Officer may not be able to decide if what you say should be investigated.

Please attach copies of any correspondence, documents, names and contact details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please list the documents you have enclosed:

1.	
2.	
3.	
4.	
5.	
6.	

Section 6: Previous complaint

To your knowledge has a Code of Conduct complaint about this issue previously been submitted?

YES	NO
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Section 7: Possible remedy

Whilst not acknowledging that your complaint is justified and without prejudice, it would help with the assessment of your complaint to know what your desired outcome might be. If you feel able to provide this information please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

--

Section 8: Confidential information (only complete this section if you are requesting that your identity is kept anonymous)

In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a copy of that complaint.

Your identity will normally be disclosed to the councillor concerned unless you have good reason to request the withholding of this information. Such reasons, in exceptional circumstances, might involve one or more of the following:

Please tick the appropriate box if you consider there are grounds for keeping your complaint anonymous	
Clear risk of physical harm if identity is disclosed	
Possible consequence to employment status	
Reasonable fear of intimidation or victimisation	
Medical condition	
Please provide details of why you believe we should withhold your name and/or details of your complaint:	

The Monitoring Officer will consider the request for identity to be withheld alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Annex 7

Social media protocol for councillors



Introduction

This protocol is intended to provide general guidance and to promote greater clarity on the use of social media¹ by Oxford City councillors in both their elected and personal roles.

The use of social media poses some risks to the Council's reputation. These risks need to be managed. This protocol aims to ensure that:

- Councillors, and through them the Council, are not exposed to legal risks as a result of social media use
- the reputation of the Councillors, and through them the Council, is not damaged as a result of social media use

Social media evolves rapidly, with new sites and features launching regularly. As such, this protocol does not go into detail about how to operate different social media applications.

Different roles and blurred identities

Using social media often blurs the line between personal and official communications.

Anyone reading social media posts will not necessarily recognise when a councillor is speaking as a private individual or as an elected councillor, regardless of whether or not the post comes from a “councillor” profile.

“since the judgement of whether you are perceived to be acting as a councillor will be taken by someone else, it’s safest to assume that any online activity can be linked to your official role.”²

Similarly anyone reading social media posts will also not necessarily recognise whether the post is from an individual councillor or as a spokesperson on behalf of the Council. It is recommended that councillors add a statement along the following lines to their social media profile:

“The views I express here are mine and do not necessarily reflect the views of the council.”

Social media protocol and the Code of Conduct

When using social media in an official capacity, councillors should be aware that they will be bound by the [Code of Conduct](#). In particular, this includes (but is not limited to) the following principles:

- Treating others with respect

¹ Social media means websites and applications that enable users to create and share their own content directly or to participate in social networking. Channels include, but not limited to, Facebook, Twitter, Instagram, LinkedIn, NextDoor, TikTok and YouTube.

² Local Government Group - Connected Councillors: A guide to using social media to support local leadership. P24

- Complying with equality laws
- Not bullying or intimidating
- Not bringing the council into disrepute
- Not disclosing confidential information

Councillors serving on regulatory committees such as planning or licensing should also be mindful of the rules relating to bias and pre-determination and should be careful not to post anything on social media that might suggest that they did not have an open mind about any matter that they may be involved in determining. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision could then be open to challenge and could be invalidated.

Responsibilities

The consequences of misusing social media can include negative publicity, regulatory attention and confidentiality and copyright concerns.

Councillors are personally responsible for the content they post on any form of social media and will need to be aware of the laws that apply to published (posted) material. This includes (but is not limited to):

- Data protection: do not post personal data of other people, including photographs, without their express permission to do so;
- Defamation: is a spoken or written expression which is deemed to harm the reputation of an individual and proved to be false;
- Copyright: do not post information or images/videos without permission;
- Harassment: it is an offence to pursue a campaign repeatedly against a person that is likely to cause alarm, harassment or distress;
- Incitement: it is an offence to incite any criminal act;
- Discrimination and 'protected characteristics': it is an offence to discriminate against anyone based on protected characteristics ([as defined in the Equality Act 2010](#));
- Malicious and obscene communications: it is an offence to post malicious or obscene communications.
- Reporting restrictions and contempt of court: there might be a legal reporting restriction on a court case. There are also rules about what any member of the public can publish which might be in contempt of court. Once somebody has been arrested or civil proceedings have started, they are protected by law from the publication of information which might mean that their trial cannot take place fairly.

Councillors should contact the Council's communications team before responding to any contact from journalists about social media posts made in an official capacity.

Councillors should not use social media on council computer equipment or digital devices to make political statements or to canvass votes; particular care should be taken during the pre-election period.

Councillors should be familiar with the following documents:

- [Oxford City Council data protection policy](#) and the [statement on the Council website](#).
- [ICT Acceptable Use Policy \(see Constitution chapter 27\)](#)
- [Code on Councillor – Officer relations \(see Constitution chapter 23\)](#)
- [Safeguarding Children, Young People and Adults with Care and Support Needs Policy & Procedures](#)

Using social media at Council meetings

Councillors should use social media sparingly, discreetly and with common sense at meetings, considering the impression this presents to others. Councillors should be mindful that regulatory committees such as planning or licensing require the councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives via social media and is read by the councillor during the course of a meeting.

It is important for councillors to show that sufficient attention is being given to the discussion at the meeting. If councillors are perceived to have made a decision without having properly listened to the debate it could lead to the relevant decision coming under challenge. It could also result in code of conduct complaints of a failure to treat others with respect or of bringing the Council into disrepute.

Best practice

Set the tone

Set the tone for online conversations by being polite, accurate and transparent. Encourage constructive criticism and deliberation.

Be responsive

Remember it's a conversation. People expect to interact and to receive responses to their questions. Social media is a place to be social.

Allow disagreement

Treat differences of opinion with respect, engage in the discussion and be wary about deleting opposing views. Be mindful of "trolling"³ and avoid being drawn in to unnecessary or unproductive arguments.

Deal with inappropriate comments

Take prompt action to remove any inappropriate or offensive comments and explain the reason that this was done. If you are uncertain about this then please contact the communications team or refer to *Oxford City Council's social media moderation policy*.

Safeguarding

Councillors have a responsibility to report any concerns about other site users.

Admit mistakes

Acknowledge and correct any mistakes. Do not just delete them. Do not alter previous posts without indicating that there has been a change.

³ Trolling as it relates to the internet, is the deliberate act of making random unsolicited and/or controversial comments on various internet forums with the intent of provoking readers into displaying emotional responses whether amusement or a specific gain

Pause before publishing

A hastily posted blog post or tweet will probably have already been read or duplicated in places on the web before it can be deleted or amended. Remember that if you wouldn't want it officially recorded in notes from a meeting or reprinted in a newspaper article, then do not post it online.

Think about following / friending

Some constituents may be uncomfortable if a councillor begins following them or sends them a friend request. Consider waiting to be followed or friended first. Online relationships with council employees need to be treated with caution. Whilst some online relationships may be valid both parties need to be sure not to compromise the impartial and professional relationship that is important between councillors and colleagues.

Protection and security

Sharing background information, such as information about family or personal interests, may be useful in helping establish a relationship with social media audiences but revealing certain details might increase the risk of identity theft or pose a security risk.

Make use of stringent privacy settings to prevent your personal social media posts being accessed by the press or public. Read the terms of service of any social media site accessed to understand their confidentiality/privacy settings.

Further information

- contact the [Communications team](#) for advice of a non-political nature on best practice for social media
- attend Social Media training sessions offered by the Communications if you need any further advice
- contact the [Monitoring Officer](#) for advice on the Code of Conduct
- contact the [Committee & Member Services team](#) for information about courses, conferences and member training relating to social media

Useful websites include:

LGIU

- [How social media can help your work as a councillor](#)
- [Social media dos and donts](#)
- [Ten basic principles of social media](#)
- [Councillors and social media](#)

Platform help centres

- [Twitter help centre](#)
- [Facebook help centre](#)

Oxford City Council

- [Oxford City Councillors' conduct](#)

Welsh Local Government Association

- [Councillors Guide to handling on line abuse](#)

23. Code on councillor-officer relations

- 23.1 Status of this code
- 23.2 Roles of councillors and officers
- 23.3 Expectations
- 23.4 Limitations on behaviour
- 23.5 Complaints about councillors or officers
- 23.6 Politeness and respect
- 23.7 Councillors' enquiries
- 23.8 Information and advice
- 23.9 Councillors' briefings on agendas and reports
- 23.10 Restrictions on officers' political activities
- 23.11 Support services to councillors and political groups
- 23.12 Correspondence
- 23.13 Media releases and publicity
- 23.14 The Council as an employer
- 23.15 Gifts and Hospitality
- 23.16 Responsibility for this code

23.1 Status of this code

This code seeks to offer guidance on some of the issues, which most commonly arise in relation to the relationships between councillors and officers.

This code is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it will cover expectations of behaviour as between councillors and officers.

This code gives guidance only but it may be taken into account if there is a complaint about a councillor or an officer. Councillors are obliged to observe the Members' Code of Conduct (Part 22). Any complaints received in relation to alleged breaches of the Members' Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with a code of conduct. Any complaints received about an officer's behaviour or conduct will be considered by the relevant managers.

23.2 Roles of councillors and officers

Officers and councillors both serve the public but they have different roles.

Officers are employees of the Council and are politically neutral. Their role is to advise councillors and implement the policies of the Council to the best of their abilities. Councillors are elected office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives.

Employees are answerable to the Chief Executive, not to individual councillors (whatever office they hold), but there should be good communication between senior officers and councillors with special responsibility for their area of work. Officers must not take instructions from individual members.

23.3 Expectations

What councillors can expect from officers:

- A commitment to the authority as a whole, not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely responses to enquiries and complaints in accordance with agreed standards ([23.67](#))
- Professional advice, not influenced by political views or preference
- Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Awareness and sensitivity to the political environment
- Respect and courtesy
- Training and development in order to carry out their roles effectively
- Not to have personal issues raised with them by officers outside the agreed procedures
- Officers should not try to persuade individual councillors to make a decision in their personal favour or raise things to do with their employment with individual councillors. Nor should they approach individual councillors with allegations about other officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead
- Compliance with the relevant code of conduct for officers

What officers can expect from councillors:

- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Political direction and leadership;
- Respect and courtesy;
- Councillors should generally restrict their discussion on strategic or significant issues to more senior officers (that is Deputy Chief Executive and Directors or team leaders);
- Councillors should normally make appointments before visiting officers and should try to avoid frequent unscheduled interruptions;

- Councillors should not pressure officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- Not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of officers in determining what are reasonable requests? Councillors with special responsibilities should be particularly aware of this;
- Councillors should not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- Councillors should not make detrimental remarks about individual officers during public meetings;
- Councillors should at all times comply with the Members' Code of Conduct.

23.4 Limitations on behaviour

The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

Close personal relationships between individual councillors and officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment. Personal relationships should be avoided. Where they do exist they should be notified to the Chief Executive.

The need to maintain the separate roles means that there are limits to the matters on which councillors may seek the advice of officers, both in relation to personal matters and party political issues;

Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that councillor or group above others.

23.5 Complaints about councillors or officers

If an officer feels a councillor is not treating them with politeness and respect, they should consider talking to the councillor directly. If they do not feel they can talk to the councillor or talking to the councillor does not help, they should talk to their line manager, or Director immediately who will inform the Monitoring Officer. The Monitoring Officer will talk to the councillor or the Leader of their political group and may also tell other senior officers. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.

If a councillor feels an officer is not treating them with politeness and respect, they should consider talking to the officer directly. If they do not feel they can talk to the officer or talking to the officer does not help, they should talk to the officer's line manager or Director immediately. If the problem continues the manager approached will consider whether to use the Council's disciplinary procedures.

23.6 Politeness and respect

Councillors and officers should show each other politeness and respect. Councillors have the right to challenge officers' reports or actions, but they should:

- avoid personal and/or public attacks; and
- ensure their criticism is fair and constructive.

Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

23.7 Councillors' enquiries

Officers should answer councillors' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply.

Councillors should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to councillors' enquiries.

23.8 Information and advice

(a) Requests for written information

Councillors should be provided with adequate information about services or functions which they may be called upon to make decisions on or scrutinise the decisions of others about, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans etc. Before any information is provided to councillors consideration must be given to any data protection issues and whether the relevant consent has been sought from data subjects. Members are encouraged to make use of existing sources of information wherever possible.

Written information supplied to a councillor regarding the implications of current Council policies or containing statistical information about Council services shall be copied to the relevant Cabinet member.

The Leader of the Council or leader of any political group may request the Chief Executive or the relevant director, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services. Wherever possible, but subject to any overriding data protection or other legal requirements, such requests will be met. However if the officer considers that the cost of providing the information, or the nature of the request is unreasonable, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

Officer reports to political groups should be limited to a statement of material facts and identification of options and the merits and demerits of such options

for the authority. Reports should not deal with any political implications of the matter or any option and officers should not make any recommendation to a political group.

(b) “Briefings”

In order for them to discharge their responsibilities Cabinet members will be briefed by senior officers (Deputy Chief Executives, Directors or team leaders) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the councillor involved.

Other political groups may also have nominated portfolio leads and, if those leads so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues.

The content of these informal briefing sessions shall remain confidential as between officers and the political group concerned.

(c) “News” items

When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

(d) Ward councillors

Senior officers should ensure that ward councillors are given information relevant to their ward on a regular basis. As well as letting ward councillors know when there has been a significant incident in their ward, ward councillors should be routinely notified about the following types of issue:

- Public consultation events affecting their wards
- Proposed changes to services sited within their wards
- Proposed anti-social dispersal orders

Ward councillors should be invited by officers to public events, such as openings, festivals etc., in their wards regardless of political affiliation.

The Communications Team will advise group leaders of any ‘photo shoot’ that it has organised in connection with a significant event. The team will aim to give 48 hours’ notice of any photo shoot it has organised to the group leaders.

If officers organise a public meeting, about a specific ward issue all the councillors for that ward should be invited and given as much notice as possible.

If officers undertake consultation about specific ward issues they should consult the councillors for that ward at the start of the consultation.

Ward councillors should be told in advance about anything which particularly affects their ward and which is potentially controversial.

(e) Officer attendance at political group meetings

The Leader of the Council or leader of any political group may ask the Chief Executive or relevant director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

Any briefings offered to or requested by a party group will be offered to the other party groups.

No officer of the Council should attend any political group meeting which includes non-Council members.

Decisions taken by political groups are not Council or Executive decisions and political groups do not have any delegated authority to make formally binding decisions. Officers should not take instructions from political groups.

(f) Advice for councillors with special responsibilities

The Lord Mayor, Cabinet members and committee chairs can ask the Chief Executive, Deputy Chief Executives and/or Directors for extra background information and advice on different courses of action.

Although these councillors have additional responsibilities and different relationships because of their more frequent contact with officers, these councillors must still respect the impartiality of officers. This includes not asking them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

The leaders of minority political groups can ask the Chief Executive, Deputy Chief Executives and/or Directors for background information or more details about items coming to the next meeting of a committee or the Cabinet. The appropriate chair or Cabinet member will be entitled to receive the same information.

Political group leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

23.9 Councillors' briefings on agendas and reports

(a) Briefings on agendas

Deputy Chief Executives and Directors will give briefings on Council, Cabinet and committee agendas to the Leader and Deputy Leader and committee chairs and vice chairs.

(b) Consultation on agendas

The Leader will be consulted on agendas for the Cabinet. Committee chairs will be consulted on agendas for their committees.

(c) Requests for reports

Instructions for reports to come to the Cabinet or committees can only come from the Leader, the Cabinet, a Cabinet member in respect of the Cabinet and a committee or a committee chair in respect of committees.

Whilst Cabinet members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for

the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

23.10 Restrictions on officers' political activities

Most senior officers and some other officers are politically restricted. These officers cannot be councillors or MPs and cannot say, publish or do anything in their private capacity that seems intended to affect public support for a political party or candidate.

The Legal Services Manager keeps a list of politically restricted posts. Any council officer in their official capacity must not publish things that seem intended to affect support for a political group on the Council.

No one can be both an officer and a councillor on the same Council.

23.11 Support services to councillors and political groups

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

23.12 Correspondence

(a) Between councillors and officers

If emails or letters between officers and councillors are copied to someone else, they should say so. Blind copies should not be sent.

Councillors should not forward information received from an officer to a constituent or member of the public if that information is expressed to be confidential.

(b) Letters on behalf of the Council

Letters on behalf of the Council will normally be sent by officers rather than councillors. The Leader and committee chairs may write some letters on behalf of the Council, for example representations to government ministers.

These should be copied to the Cabinet or the appropriate committee. Councillors must never send letters that create obligations or give instructions on behalf of the Council.

23.13 Media releases and publicity

Local authorities are accountable to the population they serve. Accountability requires local understanding. This will be promoted by the Council publicly explaining its objectives and policies. In recent years all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides, however, publicity is a sensitive matter in any political environment because of the impact it can have.

Oxford City Council is a local authority in a high profile city and it attracts a lot of media attention. All of the Council's media contact will be professionally managed to meet the communication needs of the Council and of the media by the Council's Communications Team. The purpose of the team is to advise and support councillors and officers and to maintain and improve the Council's corporate reputation by leading the development, implementation and delivery of an effective media relations service for the Council.

The media is a channel for communicating with Oxford City Council's many varied stakeholders and has a strong influence over how people view the Council and its services. It is therefore crucial that media communications are managed effectively and with due regard for the legal restrictions that the whole Council, led by the media office, must work under and be clear about.

Underpinning all aspects of this protocol is the general principle, enshrined in legislation that the Council will not publish material which in whole or in part appears to be designed to affect public support for a political party.

(a) The Legal Position

Publicity issued by a local authority is subject to a number of constraints imposed by Section 75 of the Representation of the People Act 1983, section 2 of the Local Government Act 1986 (as amended) and the Code of Recommended Practice on Local Authority Publicity issued in 2011 under section 4 of that Act.

Section 75 of the Representation of the People Act 1983 makes it a criminal offence for the Council to incur any expense with a view to promoting the election of a candidate on account of:

- circulars, publications and advertisements;
- otherwise presenting the candidate or his views;
- disparaging another candidate.

The overarching principle contained in section 2 of the Local Government Act 1986 is that no publicity must be issued by a local authority which "appears to be designed to affect support for a particular political party". As well as refraining from issuing such material itself, a local authority must not give anyone else financial assistance to publish such material.

In seeking to adhere to this principle, account will be taken of the content and style of the material, the time when it is issued and whether or not it refers to a particular party or person identified with it, or whether it promotes or opposes a point of view that is politically controversial.

The Communications Team will advise all councillors on media relations but it cannot support councillors on media relations in respect of views which do not reflect council policies or which affect public support for a political party or the promotion of individual councillors.

(b) Media enquiries

Officers must refer all media enquiries to the Communications Team and must co-operate promptly with requests for information from the team.

(c) When to issue media releases

The Communications Team will be guided by the Leader, Cabinet member or committee chair on whether to issue a media release before or after a meeting. The Communications Team will advise these councillors on when a media release would be appropriate, taking into account any recommendations made by Deputy Chief Executives or Service Directors. If there is a disagreement about what a media release should say, the Chief Executive will decide.

(d) Content of media releases

Quotes on behalf of the Council for media purposes would normally come from Cabinet members or the Leader of the Council. The content of such quotes or press releases will be cleared in advance with the councillors concerned. The Leader, Cabinet members, committee chairs, the Lord Mayor, the Deputy Lord Mayor or the Sheriff will normally speak on behalf of the Council for their area of responsibility. Ward councillors may be quoted on matters that they have significantly influenced. Any quotes from officers must be either factual or consistent with Council policy.

When a media release is issued after a meeting, it must be about things discussed at the meeting. Media releases issued before a meeting should contain factual information only.

The principle of executive decision-making and accountability will be strongly reflected in the Council's media liaison arrangements. In particular:

- Media statements on executive decisions will be made by the appropriate Cabinet member (or their substitute), the Leader of the Council or issued on behalf of the entire Cabinet
- Interviews on executive decisions will only be given by the appropriate Cabinet member, their substitute or the Leader
- The Executive will be given relevant support and advice to enable them to play a proactive role in presenting issues to the media, explain their work and manage controversial issues covered by the media
- Where the Communications Team is asked to draft press releases or letters on behalf of the Executive, such releases/letters will be of a factual nature

Although officers will not be allowed to comment to the media on Executive decisions they may continue to speak to the media within the following parameters:

- Where they have been specifically asked to speak to the media by the Leader, Cabinet, relevant Cabinet member or chair of Scrutiny Committee or relevant scrutiny panel
- On matters of clarification with reference to officer reports submitted for consideration to Executive, Scrutiny, Council or to regulatory committees

- To explain the operational detail of decisions and policies they are implementing
- On issues pertaining to the exercise of professional judgement

The work of regulatory bodies and committees (such as planning or licensing) will be publicised in consultation with relevant chairs and lead officers.

(e) Notification of media releases

All councillors will receive notification of all press releases made on behalf of the Council by the Communications Team. Media releases which are embargoed will be sent to all councillors at the time that the embargo is lifted.

(f) Publicity in the run-up to elections

The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual councillors or groups of councillors. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Councillors holding key political positions should be able to comment in an emergency or where there is a genuine need for a councillor level response to an important event outside the authority's control. Proactive events arranged in this period should not involve councillors likely to be standing for election.

(g) Invitations to media events which are of key significance to the City of Oxford or the Council

Representatives of each political group will be invited to all media events involving councillors which are of key significance to the City of Oxford or the Council. The Communications Team will liaise with the Leader, Cabinet member or committee chair when setting up such media events involving councillors. This will not apply to marketing or campaign work.

(h) Media releases by political groups and individual councillors

When individual councillors or spokespeople for political groups issue media releases, they must make it clear that they are not issuing them on behalf of the Council. Whilst it is legitimate for the Council to publicise local issues, the Council will not involve itself in any publicity which 'personalises' such issues and thereby appears to be designed to affect public support for a political party.

Publicity about individual councillors may include the contact details, the position they hold in the Council (for example, Cabinet member or Chair of Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual

councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to their position and responsibilities within the Council, and to put forward their justification in defence of them, this should not be done in party political terms, using political slogans or directly attacking policies and opinions of other parties, groups or individuals.

(i) Scrutiny

The work of the Scrutiny Committee is an important and integral part of the political arrangements of the Council for the purposes of media liaison. In particular:

- Media statements and interviews on scrutiny matters will be made by the convenor of the relevant scrutiny panel or their substitute in consultation with the Chair of the Scrutiny Committee or, if appropriate, by the Chair of the Scrutiny Committee.
- Members of scrutiny panels and the Chair of the Scrutiny Committee will be offered relevant support and advice to enable them to play a proactive role in presenting issues to the media and explain their work.
- Where a minority report is released by a member or members of a scrutiny panel, media statements will be made in consultation with the Chair of the Scrutiny Committee and will be the responsibility of those issuing the report.
- Where the Communications Team is asked to draft press releases/letters on behalf of scrutiny, such releases/letters will be of a factual nature and will contain nothing that could be construed as politically motivated or biased.
- All official scrutiny press releases will be issued by the Communications Team in the standard format.

23.14 The Council as an employer

(a) Fairness in employment

Councillors should not take part in a recruitment process where any of the candidates are friends, relatives, partners or other people they live with. Nor should they have any role in disciplinary action or grievances involving these people.

Councillors should not try to influence appointments (except as members of the Appointments Committee or when appointing a political assistant). Nor should they help any particular candidate by giving them information that the other candidates could not get.

Councillors should not discriminate unfairly against officers and should judge candidates for employment or other rewards on merit.

Councillors should not take part in a recruitment process without having undertaken appropriate training.

Councillors may choose to write personal references for members of staff if requested, but are under no obligation to do so, and should be clear that this is not the employer's reference.

(b) Grievances and disciplinary procedures

Councillors should not try to influence the handling of any grievance. Councillors can report their concerns about an officer's performance or behaviour to a line manager. But they should not try to influence any disciplinary procedure (except as members of the Disciplinary Committee for the Chief Executive, Deputy Chief Executives, and Service Directors).

Councillors serving on the Disciplinary Committee for the Chief Executive, Deputy Chief Executive and Service Directors must base their decisions on the facts and in accordance with the Council's employment obligations. They should not be influenced by party political or personal factors.

Councillors should not take part in any disciplinary process without having undertaken appropriate training.

(c) Accountability and confidentiality

Councillors are accountable for the decisions they make as employers but they should keep individual employment matters confidential.

23.15 Gifts and Hospitality

(a) The arrangements for gifts and hospitality are set out in Appendix 1 of the Employee Code of Conduct. The Code forms part of each employees' contract of employment. If officers are offered a gift or hospitality (called 'gift' from here on) they must notify their Service Director using iTrent. Officers must seek approval from their Service Director if they feel the need to accept the gift or endorsement from their Service Director if they decline the gift. Approval or endorsement must be sought in this way using iTrent.

(b) There is a voluntary gifts and hospitality disclosure scheme for members for gifts with a minimum value of at least £50. Any councillor who wishes to disclose the offer of a gift should notify the Committee and Member Services Manager.

23.16 Responsibility for this code

The Monitoring Officer has overall responsibility for this code and will periodically review how the code is working.

24. Planning Code of Practice

- 24.1 What does this code apply to?
- 24.2 Training for Councillors
- 24.3 Preparation of planning policy documents – public meetings
- 24.4 Councillors' interests in planning applications
- 24.5 Gifts and Hospitality
- 24.6 Need for councillors to make up their minds at committee
- 24.7 When councillors go public
- 24.8 Lobbying
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- 24.15 Site visits
- 24.16 Officers' reports to committee
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- 24.19 Determining an application
- 24.20 Planning conditions added at the meeting
- 24.21 Decisions that depart from the development plan or officers' recommendations
- 24.22 Complaints and record keeping
- 24.23 Responsibility for this code

Annex to Section 24

Procedure for dealing with planning applications at Oxford City Planning Committee and Planning Review Committee

24.1 What does this code apply to?

This code applies to all planning decisions, whether they are taken by officers, the Oxford City Planning Committee or the planning review committee. It also applies to the preparation of the Local Plan and other planning policy documents.

24.2 Training for Councillors

Councillors are required to attend training and updating sessions on planning issues every two years (election years) and will be told about any changes to the law or the Council's procedures.

24.3 Preparation of planning policy documents – public meetings

At public meetings councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

24.4 Councillors' interests in planning applications

(a) Registering and declaring interests

The members' Code of Conduct requires councillors to register interests. (Part 22.4)

(b) Declaring interests

Part 22.4(d) states what councillors must do if they have an interest in an item.

All matter of interests must be viewed within the context of the members' Code of Conduct as a whole and regard given to the perception of the public. If members have concerns about a potential interest, they should seek advice from the Monitoring Officer.

(c) Avoiding perception of bias

Councillors must listen to the advice of the Monitoring Officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing viewpoints.

If a member is a Cabinet member or represents the Council on an outside body and the Council or the outside body is the applicant then particular care should be taken by the member to avoid the perception of bias.

If a member is a member of the Shareholder and Joint Venture Group or is otherwise responsible for acting as shareholder or owner of the Council's companies and joint ventures they must not determine planning applications submitted by those companies and joint ventures. The member can choose to speak during the public speaking slot at a Planning Committee or Planning Review Committee meeting but they must notify the chair of their intentions before the meeting begins and must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is debated.

24.5 Gifts and Hospitality

Councillors and officers should avoid receiving gifts or hospitality from anyone involved with a planning application. If gifts or hospitality are unavoidable, they should be kept to the minimum.

Officers should declare offers of gifts or hospitality in the Council's hospitality register as soon as possible, whether they accept them or not. The record of gifts and hospitality will be reviewed annually by the Monitoring Officer.

24.6 Need for councillors to make up their minds at committee

When a planning application comes to committee, councillors must weigh up all the relevant facts and make their decision at the meeting. They must not have already decided how to vote.

This means that councillors need to be careful about anything they say before the committee meeting. Although they can start to form a view, they should never say anything that could give the impression they have already made up their minds. Councillors should not sign letters or petitions that support or oppose an application.

24.7 When councillors go public

If a councillor has publicly supported a particular outcome, it will be very difficult for them to appear to make up their mind at committee and they should not participate in the debate or vote. If a councillor believes they have pre-determined an application, they should make this clear at the beginning of the meeting and leave the committee table for that item. In such a situation the councillor may address the meeting as a ward member in the public speaking slot (Part 24.17).

This is not the same as the need to declare a disclosable pecuniary interest. That is a separate requirement of the members' Code of Conduct (Part 22.4).

24.8 Lobbying

(a) Lobbying by councillors

Councillors should not lobby each other on planning applications. Nor should they put pressure on officers to make a particular recommendation or do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

(b) Lobbying of councillors

When they are lobbied, councillors should be careful not to say anything that could give the impression they have already made up their mind. They should stick to advising on procedures and suggesting that the person writes to the Director of Planning and Regulation with their views in order that the comments may be reflected in the officer's report.

If councillors do express an opinion to objectors or supporters, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material planning consideration at committee.

24.9 Whipping

Political groups must not whip planning decisions. Councillors must use their individual judgement when deciding how to vote.

24.10 Planning applications by Councillors and officers

(a) Officers not to act as agents

Officers must not act as agents for planning applications to the Council.

(b) Council's handling of applications

If a councillor or an officer or any relation of theirs puts in a planning application to the Council, they must declare their relationship on the application form and not be involved in deciding it or try to influence it improperly. The same goes for applications where a councillor is the agent.

If a councillor is the applicant or the agent, they are likely to have a disclosable pecuniary interest under the members' Code of Conduct and should take no part in the determination of the application.

The Director of Planning and Regulation will tell the Monitoring Officer about any applications by Councillors or officers and any applications where a Councillor is the agent. These applications will always be decided by the planning committee, or if called in, the planning review committee, not by officers. The committee report should be able to say that the Monitoring Officer confirms the application has not had any special treatment.

24.11 Planning applications by the Council

Applications by the Council will not get special treatment. They will be subject to the same rules as other applications. The Council will decide them on planning grounds and will not take in to account how it could gain from giving or refusing permission.

The only exception to this is applications for prior approval under identified permitted development rights (see 5.3(b)) which have a 42 day deadline for the local planning authority to oppose. If incorporating a prior approval application to the committee structure takes longer than 42 days for the application to be determined, then this will result in the development being allowed to proceed by default regardless of what the committee decides. In those circumstances the Director of Planning and Regulation will determine the application.

24.12 Discussions before an application is decided

The following applies to discussions with an applicant before an application is put in or before it is decided. These include discussions over the phone, as well as meetings:

- It should be made clear at the start that the discussion will not bind the Council.
- Anyone taking part in the discussion should make it clear whether they are likely to be the decision taker.
- Advice should be unbiased and consistent. It should be based on the local development framework and relevant facts.
- A note should be made of any meeting, which will be included on the application file.
- If the applicant so requests a follow-up letter should be sent, confirming what has been discussed.
- At least two officers should attend any meetings that are likely to be contentious.

- If councillors have a meeting, they should take a planning officer with them. Meetings involving councillors or officers should be recorded on the application file.
- Councillors should not approach applicants to try to achieve planning gain or get a planning application changed.
- Councillors should never say anything that would give the impression that they have already made up their minds in relation the matter.

24.13 Public meetings

At public meetings councillors should be careful to be neutral and to listen to all points of view. They should never say anything that could be taken to mean they have already made up their mind.

24.14 Members' informal briefings

For complex and/or major applications or pre-application enquiries about forthcoming applications, where there are difficult or technical issues such as viability to consider, it may be appropriate to hold informal briefings for members before an application is submitted to the Council or before an application comes before a committee for formal consideration and determination.

The Director of Planning and Regulation will decide whether an informal briefing is considered to be necessary in any case.

Such a practice is acceptable provided the following guidelines are adhered to:

- Members should understand that an informal briefing is not the committee meeting and therefore no decisions will be taken at the briefing.
- The informal briefing is essentially a fact finding exercise to allow members to understand more about the proposal before an application is submitted to the Council or before formal consideration of the scheme at committee.
- Members can ask questions about the scope of the proposal and about any issues they do not understand but it is not a forum for debate or for stating opinions about the development and certainly not for members to declare how they will vote at the formal meeting.
- Whilst Members can begin to form views about the scheme and certain aspects of it, it is important at this stage for members not to form firm views or to decide how they will vote at the committee meeting. If they do so, they will not be able to take part in the committee consideration and determination of the application as they will be deemed to have pre-determined the application and will have closed their minds.
- The meeting is not a public meeting and therefore members of the public, the press and, in the case of informal briefings which are considering specific applications as opposed to pre-application enquiries, the applicant will not be present. It will also only be appropriate for Members who are likely to sit on the determining committee, their substitutes and ward members to be present.

- If an informal briefing is being held about a pre-application enquiry, the Director of Planning and Regulation will decide whether it would be appropriate to invite the applicant to the first part of the briefing in order to present the proposals to members. After the presentation, a question and answer session can take place so that members can seek clarification of any issues arising. The applicant will then leave the briefing to enable further questioning of officers to take place to aid clarification or to seek further information.
- A record will be kept of the fact that the meeting took place and who attended the meeting but formal minutes or notes of the meeting will not be made or published as this is not a formal committee meeting and no decisions will have been taken.
- Although attendance by members will be encouraged, non-attendance at informal briefings will not prevent their subsequent participation in deciding an application when it comes before a committee.

24.15 Site visits

A site visit by a planning committee is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers

or

- issues relevant to the determination of the application can only be properly understood by seeing the site.

In considering a planning application the planning officers will decide whether a site visit by members is necessary, based on the above criteria, and if so will arrange the site visit. An individual member of the relevant planning committee can make a request for a site visit but it is the officers who will make the decision. If members of the relevant planning committee ask for a site visit at a committee meeting then the committee will decide.

When a site visit is requested by a member of the relevant planning committee justification for visiting the site should be judged on the criteria above.

The reasons why the site visit is requested will be recorded and kept on the file.

Site visits will only be attended by members of the relevant committee and supporting officers. Other people such as applicants, owners or members of the public will not be invited to attend site visits. Applicants or owners will only be present if they are required to give access to a site. Applicants or owners present must not be directly engaged by councillors and all councillor questions must be addressed to the accompanying officer.

Councillors should not seek or accept representations, either as a committee or as individual members, during the visit. Councillors should not comment on the application and will not take any decisions during a site visit but may ask questions of the officer or seek clarification, particularly about the layout of the site or the development and its surroundings, but not in relation to the merits of the application.

Beyond attendance, no formal notes will be recorded of a site visit. Members of the planning committee or the planning review committee who do not attend a site visit are not precluded from taking part in the determination of the planning application to which it relates. A site visit is not a meeting of the committee and no decision may be made upon the application at a site visit.

If a member does make a site visit on their own then they should only do so from publicly accessible land.

24.16 Officers' reports to committee

Reports should cover all the relevant points, including:

- material considerations
- relevant parts of the development plan
- the relevant planning history of the site.
- Reports should have a recommendation and a technical/professional assessment that clearly justifies it.

If the recommendation is contrary to the development plan clear reasons must be given identifying the material considerations justifying that development plan departure.

Oral reports should be rare and carefully minuted.

24.17 Committee members speaking in the public speaking slot

Committee members can choose to speak during the public speaking slot, but they must notify the chair of their intentions before the meeting begins. They cannot participate in determining the application. Once the matter has been concluded, the member can re-join the committee.

24.18 Members of the public passing messages to committee members during the meeting

Messages should never be passed to individual committee members once the meeting has started. If there is a brief adjournment during the meeting, Councillors should not communicate with members of the public during this time as this gives the impression that they might be being influenced.

24.19 Determining an application

Committee members can only determine an application if they have been present throughout the whole presentation and debate. Members that arrive late or leave the room during the deliberation of an application can sit at the committee table but cannot participate in the debate or vote on the application.

When an application is considered over two meetings, only members that attend both meetings can vote on the application.

24.20 Planning conditions added at the meeting

When councillors suggest planning conditions that were not in the report, their wording should be settled and drafted prior to the relevant decision being made, conditions are an integral part of a grant of permission and should be imposed only where lawful and compliant with national policy. Members should receive advice from officers on whether the conditions suggested are compliant with government policy.

24.21 Decisions that depart from the development plan or officers' recommendations

If the officers recommend making a decision contrary to the development plan, they should give full reasons in the report.

If a committee is considering voting against the officers' recommendations, officers should be asked to explain any effect it might have.

If a committee goes against the officers' recommendation, it must be for planning reasons and these must be clear and convincing. The personal circumstances of the applicant are rarely enough. The reason must be established prior to the motion being voted on. A detailed minute of the reasons should be made and placed on the application file.

The wording of planning conditions to be imposed or the wording of reasons for refusal should be settled before the vote is taken.

24.22 Complaints and record keeping

The Council has a complaints procedure, which is on the website.

To make complaints easy to investigate, records need to be complete and accurate. Every planning file should contain an account of events from beginning to end. It is important to record reasons for decisions, especially when they are taken by officers and there is no committee report.

The Director of Planning and Regulation will monitor the quality of the Council's planning records.

24.23 Responsibility for this code

The Director of Planning and Regulation and the Monitoring Officer have overall responsibility for this code. They will review how the code is working.

Annex 1 to Part 24:

Procedure for dealing with planning applications at Oxford City Planning Committee and Planning Review Committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

The following minimum standards of practice will be followed:

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 of the Planning Code of Practice).
2. At the meeting the Chair may draw attention to this procedure. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
 - (a) the planning officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. In determining an application Committee members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

5. Public requests to speak

Members of the public wishing to speak must notify the Committee and Member Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Committee and Member Services Officer (whose details are on the front of the Committee agenda).

6. Written statements from the public

Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose as long as they notify the Committee and Member Services Officer of their intention by 12noon, two working days before the start of the meeting so that members can be notified.

Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee and Member Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.

To avoid recording members of the public present unless they are addressing the meeting.

9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

25. Whistle Blowing Policy

- 25.1 Introduction
- 25.2 What is Whistleblowing
- 25.3 What is not covered by the Policy?
- 25.4 Who can use this Policy?
- 25.5 What does this Policy apply to?
- 25.6 Purpose of Whistleblowing Policy
- 25.7 Confidentiality
- 25.8 How will the Council protect and support whistle blowers?
- 25.9 External Disclosures
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- 25.11 Role of trade unions and professional associations
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- 25.13 How will the Council respond to whistleblowing?
- 25.14 Taking concerns further
- 25.15 Monitoring and reporting
- 25.16 Responsibility for this Policy
- 25.17 How to respond to a whistleblowing concern – Flow chart

25.1 Introduction

In this Policy 'Whistleblowing' means the reporting by staff, contractors or consultants of suspected misconduct, illegal acts or failure to act within the Council.

The aim of this Policy is to encourage individuals to whom it applied, and whom it applies, and have serious concerns about any aspects of the Council's work, to come forward and voice those concerns.

This Policy intends to:

- Encourage the reporting of suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected, as far as possible.
- Encourage and enable individuals to raise concerns within the Council rather than ignoring a problem or blowing the whistle externally.
- Provide guidance as to how to raise those concerns.
- Reassure individuals that they should be able to raise genuine concerns without fear of reprisals, victimisation, subsequent discrimination, disadvantage or dismissal, even if they turn out to be mistaken, provided the disclosure is made in the public interest.

The Council is committed to conducting business with honesty and integrity, and expects all staff to maintain high standards of conduct, in accordance with the Council's Employee Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur

Staff, contractors and consultants are often the first to realise that there may be something seriously wrong within an organisation. It is not disloyal to colleagues or the Council to speak up. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To help achieve these standards it encourages freedom of speech.

25.2 What is Whistleblowing

Any serious concerns that staff, contractors and consultants have about service provision or the conduct of officers of the Council, or others acting on behalf of the Council, that:

- make them feel uncomfortable in terms of known standards,
- are not in keeping with the Constitution or Council policies,
- fall below established standards of practice or are improper behaviour,

should be reported.

This may relate to:

- Criminal activity;
- Miscarriages of justice;
- Racial, sexual, disability or other discrimination;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal, or professional, obligation or regulatory requirements;
- Unauthorised use of public funds or other assets;
- Bribery;
- Financial fraud or mismanagement;
- Negligence;
- Breach of our internal policies and procedures, including the Council's Employee Code of Conduct;
- Conduct likely to damage our reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above, where he/she honestly and reasonably believes it to be in the public interest to raise the concern.

If a staff member is uncertain whether something is within the scope of this Policy they should seek advice from the Monitoring Officer (Director of Law, Governance and Strategy).

This Policy does not form part of any employee's contract of employment and it may be amended at any time.

25.3 What is not covered by the Policy?

This Policy should not be used for:

- complaints relating to an individual's own personal circumstances, such as the way they have been treated at work. In those cases the Grievance Procedure should be used.
- Concerns or complaints any individual member of the public has about services provide to them. This should be raised through the Council's complaints process.
- Concerns or complaints of misconduct of elected members, which should be referred to the Council's Monitoring Officer and dealt with under the Code of Conduct.

In some instances there may be matters which concern multiple of the above and, in such circumstances, the policies will be applied as fits the circumstances provided that all legal requirements are met by the Council in doing so.

25.4 Who can use this Policy?

This Policy is for all individuals, working at all levels of the organisation, including senior managers, officers, employees, secondees, consultants, contractors, trainees, homeworkers, part time and fixed term, casual and agency staff and volunteers (collectively referred to as staff). Members of the public can use the Council's complaints procedure or complain to the ombudsman.

25.5 What does this Policy apply to?

This Policy applies to anything illegal, improper, unethical or wrong that is done by:

- staff
- councillors
- co-opted committee members
- anyone representing the Council

- partner organisations
- contractors, consultants or other suppliers

Examples would include a criminal offence, fraud or corruption, damage to the environment, safeguarding concerns, theft or misuse of public money, breach of a legal obligation, a failure to follow the Council's finance, contract or other rules or a deliberate attempt to conceal any of these things.

The Council has other policies and procedures, for example on recruitment and selection, discipline, grievances, bullying and harassment and diversity. The Whistleblowing Policy should only be used when other policies are inappropriate.

If an employee raises a disclosure whilst they are subject to another of the Council's procedures, for example, Disciplinary, Dispute Resolution, Capability or Absence Management Procedure, parallel investigations may be conducted. The Procedures already instigated will not, in most cases, be suspended. However, the employee's right to raise a concern under this Procedure will not be affected.

25.6 Purpose of Whistleblowing Policy

Any member of staff with serious concerns about any of the Council's work or activities are expected to blow the whistle. This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This Policy:

- encourages officers to blow the whistle within the Council rather than say nothing or take their concerns elsewhere
- protects whistle blowers from reprisals as long as they have acted honestly and in the public interest
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

25.7 Confidentiality

The Council hopes that staff will feel able to voice whistleblowing concerns openly under this Protocol. However, if a whistleblower wants to raise a concern confidentially, the Council will make every effort not to disclose their identity. If it is necessary for anyone investigating the concern to know the whistleblower's identity, this will be discussed with the whistleblower in advance.

The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Investigating Officer cannot obtain further information from the whistleblower. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer and appropriate measures can then be taken to preserve confidentiality.

If a whistleblower is in any doubt, they can seek independent advice from the independent charity, Protect, who offer a confidential advice line. Their contact details are at the end of this Policy.

25.8 How will the Council protect and support whistle blowers?

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support staff who raise genuine concerns under this Policy, if they reasonably believe it to be in the public interest to do so, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern or making a disclosure, provided it is made in the honest belief that it is in the public interest to do so. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied, you should raise it formally using the Council's Grievance Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Any staff member involved in such conduct is likely to be subject to disciplinary action. In some cases the whistleblower could have a right to sue them personally for compensation in an Employment Tribunal, and also for the Council to potentially be vicariously liable for their actions.

The Council will protect whistle blowers from reprisals as long as they had a reasonable belief that the allegations were true and made them in good faith. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary procedure. Where workers blow the whistle but do not cite the Policy they will still be protected under it.

The Council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they are required to act as witnesses.

25.9 External Disclosures

The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases a whistleblower should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for a whistleblower to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Council strongly encourages whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this Policy.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. In some circumstances the law will protect a whistleblower if they

raise the matter with the third party directly. However, the Council encourages whistleblowers to report such concerns internally first.

25.10 Untrue allegations

Workers will not suffer reprisals for making allegations that turn out to be untrue, as long as they had a reasonable belief that the allegations were true and made them in the public interest.

Allegations that are made without a reasonable belief as to their truth or made maliciously or not made in the public interest are likely to be treated as a disciplinary offence and dealt with through the disciplinary procedure.

25.11 Role of trade unions and professional associations

Workers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistleblowers can bring a trade union or professional association representative or a friend with them to meetings.

25.12 How do members of staff blow the whistle?

(a) Saying that the whistle blowing procedure is being used

The whistle blower should wherever possible make it clear from the start that they want to use the whistle blowing procedure. Though it will ultimately be a decision based on the contents of the complaint as to what policy applied to it where there are overlaps with other policies and processes of the Council as outlined in 25.3. In such cases a written explanation will be provided as to which policy applies to what elements and why.

(b) Putting concerns in writing

Whistleblowers should wherever possible put their concerns in writing, giving as much detail and including relevant dates. Whistleblowers are not expected to prove that their allegations are true, but they need to show that there are reasons for raising their concern and it was made in the public interest. If a whistleblower does not feel they can put their concerns in writing, they can be interviewed instead (25.10(c)). Where possible any information or evidence in support of the complaint should be provided with the concerns.

(c) Who should whistle blowers go to with their allegations?

In the first instance concerns should be raised with the relevant line manager or Service Director who may be able to agree a way of resolving concerns in a quick and effective manner.

Where the matter is more serious, or staff feel that their line manager or Service Director has not addressed the concern or if they prefer not to raise it with them for any reason they should contact one of the following:

- the Chief Executive,

- the Monitoring Officer (Director of Law, Governance and Strategy),
- the Group Finance Director,

If the whistleblower suspects fraud or corruption, they can also go to the Council's internal auditors, BDO, or to the Council's appointed external auditors who are currently Ernst and Young, LLP.

Chief Executive – Caroline Green – cgreen@oxford.gov.uk

Monitoring Officer – Emma Jackman – ejackman@oxford.gov.uk

Group Finance Director – Alistair Rush – arush@oxford.gov.uk

Internal Auditors – Yasmin Ahmed, BDO – Yasmin.ahmed@bdo.co.uk

External Auditors – Adrian Balmer, Ernst and Young – abalmer@uk.ey.com

25.13 How will the Council respond to whistleblowing?

(a) Notification of allegation and preliminary investigation

Upon receipt of an allegation under this Policy the person receiving the allegation must immediately notify in writing the Monitoring Officer and the Group Finance Director (unless the allegation relates to one or more of them) of the nature of the disclosure made.

The officers will carry out initial enquires and, where required, preliminary investigations, in order to determine next steps. This may include an initial discussion with the person making the complaint.

(b) Interviews

Where there is a need, either in the preliminary investigation or full investigation where initiated, the whistle-blower may be invited to an interview. The whistleblower may bring a colleague or Union representative to any meetings held under this Policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation. A summary of the interview will be made which should be signed by the person conducting the interview and the whistle blower.

(c) Appointment of an officer to investigate

Where it is considered that further investigation is required, the person receiving the complaint will agree, in consultation with the Monitoring Officer and the Group Finance Director how (unless the allegation relates to one or more of them) the allegation will be investigated and write to the whistleblower within 10 working days. The letter should:

- acknowledge that the whistleblower has used the Whistleblowing Policy
- say how their concern will be dealt with and how long they think this will take
- tell them whether any initial enquiries have been made

- say what further action will be taken (or say why no further action will be taken)
- Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

(d) Further action

Where a full investigation is required, the Council will take such further action as is necessary to fully investigate the matter. Further action may include:

- Arranging an investigation by management or internal auditors
- Arranging a disciplinary process
- Referring allegations to the police
- Referring allegations to the external auditor
- Arranging an independent inquiry if the allegations are very serious or complicated

(e) Response to whistle blowers at the end of the investigation

The Council will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the giving of specific details of the investigation or any disciplinary action taken as a result. Any information given about the investigation should be treated as confidential. If the law allows, the Council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

(f) Support

Whistleblowers are encouraged to obtain support and advice that may include their trade union representative or HR team contact, a designated representative for bullying and harassment or the charity *Protect*, the whistleblowing charity, which provides a confidential independent advice line for whistleblowers. Contact details are:

Protect (Independent whistleblowing charity)

Advice Line: <https://protect-advice.org.uk/contact-protect-advice-line/>

Website: <https://protect-advice.org.uk/contact-protect-advice-line/>

Address: The Green House, 244-254 Cambridge Heath Road, London E2 9DA

25.14 Taking concerns further

While the Council cannot always guarantee the outcome the whistleblower is seeking, it will deal with the concern raised fairly and in an appropriate way, and in compliance with Human Rights and Equalities legislation.

If a whistleblower is not satisfied with the way in which their disclosure has been handled, they can raise it with one of the other key contacts mentioned above.

If a worker has sought advice and feels it is right to raise their concerns outside the Council, people they could approach include their local Council, their local councillor, the external auditor, the health and safety executive, a government

department, a solicitor, the police, an MP or a relevant professional body or regulatory organisation.

If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

25.15 Monitoring and reporting

The Group Finance Director will report to each meeting of the Audit and Governance Committee on the number (if any) of whistle blowing complaints made as part of the Council's anti-fraud and corruption awareness framework.

25.16 Responsibility for this Policy

The Monitoring Officer has overall day to day operational responsibility for this Policy and how it is used and how the Policy is working.

All staff are responsible for the success of this Policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this Policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

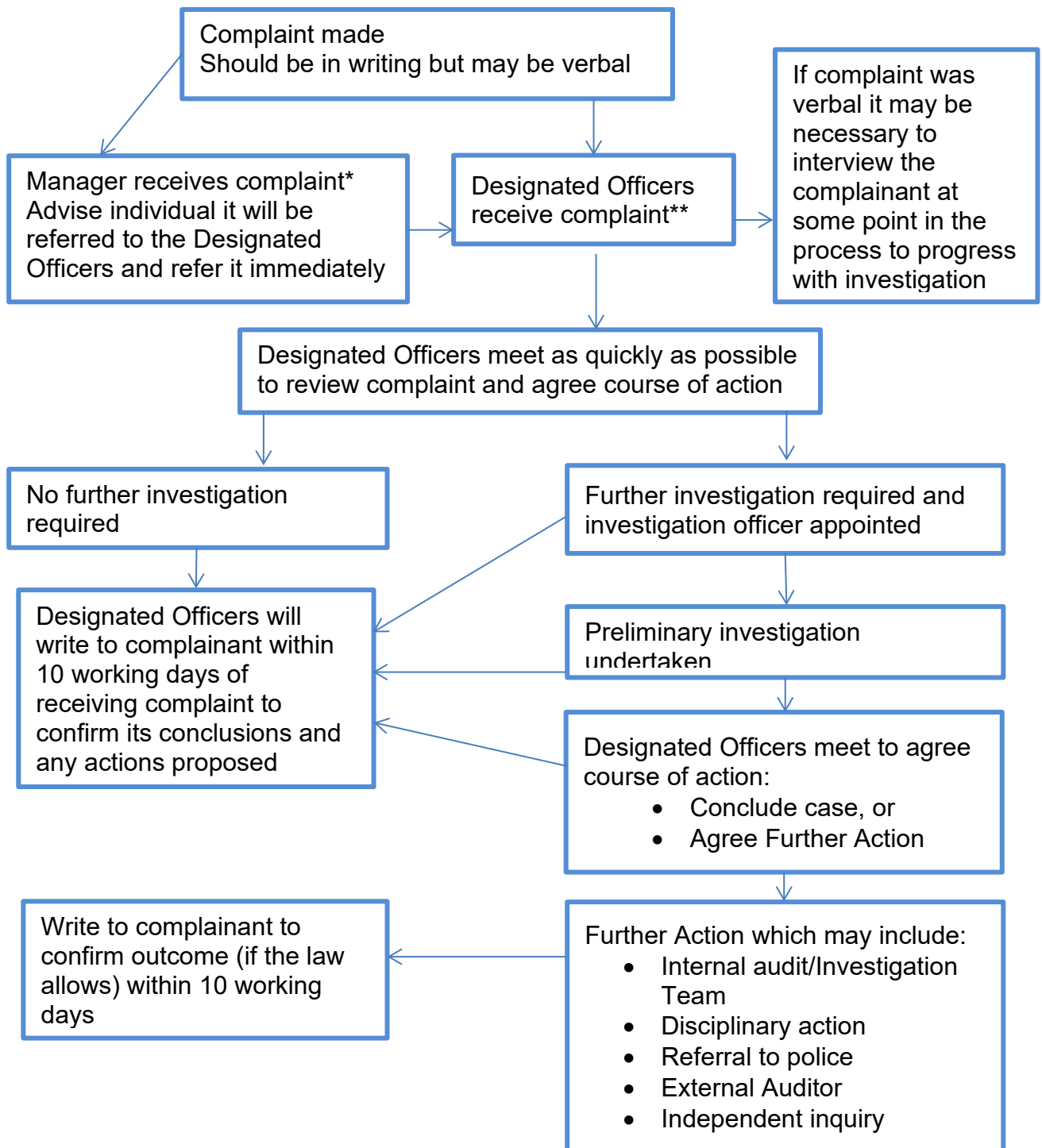
Protect (Independent whistleblowing charity)

Advice Line: <https://protect-advice.org.uk/contact-protect-advice-line/>

Website: <https://protect-advice.org.uk/contact-protect-advice-line/>

Address: The Green House, 244-254 Cambridge Heath Road, London E2 9DA

25.17 How to respond to a whistleblowing concern – Flow chart



* If there is any doubt as to whether the complaint could be considered to be whistleblowing the manager must refer it as such.

** Unless the complaint is about one or more of the Designated Officers when it should be referred to a Deputy Chief Executive or the Chief Executive.

This is an overview only and should be used in conjunction with the Whistleblowing Policy. Designated Officers are Director of Communities and Citizens' Services, Group Finance Director and Monitoring Officer.

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26. Councillors' allowances

- 26.1 Basic allowance
- 26.2 Allowance reductions
- 26.3 Special responsibility allowances
- 26.4 Co-optees and Independent Persons allowance
- 26.5 Choosing not to be paid a basic or special responsibility allowance
- 26.6 Repayment of allowances
- 26.7 Maternity, Paternity, Adoption or Parental Leave
- 26.8 Allowances for child and other dependants' care
- 26.9 Allowances for travel
- 26.10 Reasonable adjustments
- 26.11 How to claim allowances
- 26.12 Indexing of allowances in the scheme
- 26.13 Local Government Pension Scheme (LGPS)

26.1 Basic allowance

Each councillor gets a basic allowance of £6,211.68 p.a.

26.2 Allowance reductions

Council has collectively agreed that councillors will forgo part of their future allowance payments in the following circumstances:

- (a) A 15% reduction will be applied for councillors who attend less than two thirds of the scheduled meetings required within a Special Responsibility (26.3).
- (b) A 15% reduction will be applied for:
 - (i) Members who fail to attend more than four meetings of Council in the municipal year except when a serious medical condition is the reason for absence;
 - (ii) Members who fail to attend an induction for newly elected councillors. A newly elected councillor is any councillor who was not holding City Council office at the time of the election in question.
- (c) A 10% reduction from future allowances will be applied for:
 - (i) Members who fail to attend compulsory planning and development control training (held every two years).
 - (ii) Members who fail to attend compulsory code of conduct training (held annually).
 - (iii) Members who are appointed to a Licensing Committee who fail to attend compulsory licensing training (held annually).

Attendance at meetings for the purposes of 26.2(a) and (b)(i) will be based on the public attendance records for Council, Cabinet and committee meetings (as appropriate) at the end of the municipal year and any reductions will be applied for the duration of the subsequent municipal year for those councillors continuing to hold the relevant office or special responsibility. Shareholder meetings will be excluded from the requirements of 26.2(a).

Attendance at training for the purposes of 26.2(b)(ii) and (c) will be based on the attendance records held by the Director of Law, Governance and Strategy. Any reductions will be applied from the date of the last training or induction session offered in a municipal year for the remainder of the municipal year.

Members' personal circumstances, including health, will be taken into account by the Director of Law, Governance and Strategy in consultation with the Committee & Member Services Manager before any allowance reduction is applied.

26.3 Special responsibility allowances

Some Councillors get special responsibility allowances:

Special Responsibility	Allowance	Cash amount
Leader	3 x basic allowance	£18,635.04
Deputy leader	1 x basic allowance	£6,211.68
Non-Statutory Deputy Leader	1 x basic allowance	£6,211.68
Lord Mayor	1 x basic allowance	£6,211.68
Deputy Lord Mayor	0.25 x basic allowance	£1,552.92
Sheriff	0.25 x basic allowance	£1,552.92
Cabinet member with particular responsibilities given by the Leader (including Leader and Deputy Leader if they hold particular responsibilities)	1.5 x basic allowance	£9,317.52
Cabinet member without particular responsibilities	0.5 x basic allowance	£3,105.84
Chair of Scrutiny Committee	1 x basic allowance	£6,211.68
Chair of Audit and Governance Committee	0.25 x basic allowance	£1,552.92
Chair of a Planning Committee	0.5 x basic allowance	£3,105.84
Leader of an opposition group	1 x basic allowance	£6,211.68 Divided equally among opposition groups
Scrutiny Standing Working Group Chair	0.25 x basic allowance	£1,552.92

Special Responsibility	Allowance	Cash amount
		Maximum of 2 Standing Working Groups SRAs available. Working Groups must meet at least 5 times to qualify. If more Standing Working Groups are set up then 0.5 x basic allowance (£2,736) to be divided between the Working Group Chairs

No one can have more than two special responsibility allowances. Special responsibility allowances for the Civic Office Holders are not included in this rule. If a councillor has more than two special responsibilities, they will get the allowances for the two special responsibilities that pay the most.

Where a councillor is also a member of another Council, that councillor may not receive allowances from more than one Council, in respect of the same duties.

26.4 Co-optees and Independent Persons allowance

Co-opted members and Independent Persons may claim an allowance of £75 for up to 4 hours and £150 for more than 4 hours but less than 24 hours in respect of any Committee, Sub-Committee or Working Group meeting attendance of which they are a member.

26.5 Choosing not to be paid a basic or special responsibility allowance

A councillor may elect to forego any part of their entitlement to an allowance under this scheme by providing written notice to the Monitoring Officer.

26.6 Repayment of allowances

Where allowances have been paid in advance for a period during which a councillor no longer holds a role to which an SRA applies or is no longer a councillor, those allowances will be repaid.

26.7 Maternity, Paternity, Adoption or Parental Leave

Any councillor wishing to take a period of maternity, paternity, adoption or parental leave will continue to receive the basic allowance. For a period of non-attendance at qualifying meetings to extend beyond six months full council would first need to grant a special dispensation under Section 85 of the Local Government Act 1972.

Where a qualifying councillor in receipt of a special responsibility allowance wishes to take a leave of absence from the duties for which they receive the special responsibility allowance due to maternity, paternity, adoption or parental leave it will be at the discretion of the councillor affected to determine whether they wish to temporarily step down from their role. If so, they can receive maternity, paternity, adoption or parental leave payments equivalent to half of the special responsibility allowance(s) to which they are entitled for a period of up to six months. Only Councillors who have been in receipt of a special responsibility

for at least three months before the date their leave of absence commences will qualify for maternity, paternity, adoption or parental leave payments in respect of that special responsibility. These payments are not contingent on the councillor being re-appointed to their previous role(s) at the end of their period of absence.

An application should be made to the Monitoring Officer for maternity, paternity, adoption or parental leave payments during a period of absence from a special responsibility and the affected member will have to relinquish all relevant duties and responsibilities to their replacement member for the full duration of the cover period. They may however continue to pass on knowledge to their replacement member on an informal basis and this contribution is recognised by the payment of reduced allowances during a period of maternity, paternity, adoption or parental leave for up to six months. Any member choosing to step down from the Cabinet to take a period of absence will no longer be a member of the Cabinet until such time as they are re-appointed to the Cabinet. Membership of the Cabinet is limited to ten councillors.

26.8 Allowances for child and other dependants' care

Councillors can claim for the actual costs incurred by them in making arrangements for the care of children or other dependants to attend:

- Council
- The Cabinet
- Any Council committee or sub-committee
- Any outside bodies the Council has appointed them to
- Conferences and seminars agreed by the Director of Law, Governance and Strategy
- Meetings with directors or officers agreed by the Director of Law, Governance and Strategy
- Any other events agreed by the Director of Law, Governance and Strategy

Councillors can claim the actual cost of this care as long as the carer has been paid at least the Oxford Living Wage and invoices/receipts are provided. Where the carer is employed at a level below the Oxford Living Wage the councillor can still claim if they provide evidence of making top up payments to the provider up to the level of the Oxford Living Wage.

The maximum that any member can claim for carers' allowances in any financial year is £1,306. This figure will increase annually in line with the rate of increase in the Oxford Living Wage. In special circumstances this level may be increased by the Director of Law, Governance and Strategy after consultation with the Committee and Member Services Manager.

26.9 Allowances for travel

No travel allowance will be paid for journeys inside the City of Oxford boundary other than those agreed in advance by the Monitoring Officer as a reasonable

adjustment for a councillor with a permanent or temporary disability (26.10) or as an exemption for a councillor with a low income. Travel allowances will only be available for the following events, agreed in advance, which take place outside of the city boundary:

- Conferences and seminars agreed by the Director of Law, Governance and Strategy
- Meetings with directors or officers agreed by the Director of Law, Governance and Strategy
- Any other events agreed by the Director of Law, Governance and Strategy.

Any claims relating to events taking place outside the Oxford city boundary should be agreed in advance and be in line with the staff rates for travel allowances. Best use should be made at all times of travel concessions arranged by the Committee and Member Services Team.

Councillors are encouraged to make the right choices about travelling on business, including consideration of whether a journey is really necessary. Walking and cycling are encouraged where possible, as these are the most carbon and cost-efficient methods of travel; followed by public transport.

Reimbursement for travel outside the UK will not be allowed with the exception of pre-arranged events for the Lord Mayor which will be limited to two trips per year for the Lord Mayor, or representative, and consort.

Any additional requests from the civic office holders will be dealt with by the Director of Law, Governance and Strategy. Any agreement would then be subject to the availability of a budget to pay for the travel.

A councillor may apply to the Director of Law, Governance and Strategy for a maximum of £1,000 per year (1 April to 31 March) to allow for additional expenses if they are unemployed or on a low income and affordability is a barrier to them performing their role as a councillor. This could include travel expenses for council business within the city of Oxford boundary. In assessing claims the Director of Law, Governance and Strategy will review the councillor's Register of Interests and may request further documentation such as proof of ongoing entitlement to working age benefits (other than Child Benefit). Councillors' entitlement to these allowances would be reviewed annually and councillors would be expected to inform the Director of Law, Governance and Strategy if they stopped receiving a qualifying benefit.

26.10 Reasonable adjustments

A councillor may apply to the Monitoring Officer for a maximum of £1,000 per year (1 April to 31 March) to allow reasonable adjustments to be made to meet their needs should they have a temporary or permanent disability.

The Monitoring Officer has the discretion to increase the amount available to each qualifying councillor appropriate to their requirements if necessary.

26.11 How to claim allowances

Councillors do not have to submit claims for the basic and special responsibility allowances. These are paid automatically, in 12 instalments in line with the corporate payment schedule set by the Council's payroll team.

Councillors need to submit claims for care and travel on the forms provided. These should be accompanied by receipts/invoices and must be sent to the Committee and Members' Services Manager. Claims for care, and travel will only be paid if they are made within two months of the meeting (unless the Director of Law, Governance and Strategy agrees there is a good reason for the delay). Councillors are paid in line with the corporate payment schedule set by the Council's payroll team.

26.12 Indexing of allowances in the scheme

Councillor's basic allowances will increase annually from 01 April 2024 onwards at the same rate as the percentage cost of living uplift in the local pay settlement for local government employees for that year.

26.13 Local Government Pension Scheme (LGPS)

Councillors are entitled to opt in to the Local Government Pension Scheme (LGPS), provided they receive an allowance, by completing the relevant opt-in form and returning to Committee and Member Services for processing.

Pensions may be payable on a Councillor's basic and/or special responsibility allowance (SRA).

27. ICT Acceptable Use Policy

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- 27.2 Purpose
- 27.3 Scope
- 27.4 Risks
- 27.5 User responsibilities
- 27.6 Managers responsibilities
- 27.7 Privacy
- 27.8 Policy compliance
- 27.9 Infrastructure security
- 27.10 Removable media
- 27.11 ICT access
- 27.12 Remote access
- 27.13 Software policy
- 27.14 Email
- 27.15 Internet use
- 27.16 Use of fixed line phone, mobile phones and smart phones
- 27.17 Government Connect & Information Protection
- Appendix 1 – HMG Security Policy Framework
- Appendix 2 – Exclusions

27.1 Policy statement

This policy sets out the Council's requirements for ICT Acceptable Use.

27.2 Purpose

Council staff, contractors and Councillors will be required to have access to the Council's ICT systems, applications and equipment in the performance of their duties in order for them to carry out their business. For all users of the Council's ICT facilities, this policy describes the Council's position on acceptable usage.

27.3 Scope

This policy applies to all users of the Council's ICT facilities whether this is at work, at home or elsewhere. The policy applies to all users who may be employees, contract staff, temporary staff, volunteers or Councillors.

27.4 Risks

Oxford City Council recognises that there are risks associated with users accessing and handling information in order to conduct official Council business.

This policy aims to mitigate the following risks:

- The non-reporting of information security incidents,
- Inadequate destruction of data,
- The loss of direct control of user access to information systems and facilities etc.
- Misuse of the Council's ICT facilities

Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

27.5 User responsibilities

Users of ICT facilities are responsible for:

- Informing their manager (or in the case of councillors the Director of Law, Governance and Strategy) if they believe that others are using systems inappropriately.
- Notifying the ICT Service Desk if they believe that their personal login details have become known to another person.
- Safeguarding personal data.
- Contacting the ICT Service Desk if they suspect a virus infection.
- Ensuring that personal use of Oxford City Council ICT equipment remains occasional and reasonable and does not interfere with everyday workload and commitments or endanger the Council's ICT services.

27.6 Managers responsibilities

Managers are responsible for ensuring that all their employees are aware of this policy and act in accordance with its requirements (or in the case of councillors the Director of Law, Governance and Strategy).

27.7 Privacy

All systems may be monitored and audited for administrative and management purposes so personal privacy cannot be assumed.

Systems may be accessed in exceptional circumstance at management discretion during an individual's absence to ensure continuation of business.

27.8 Policy compliance

If any member of staff is found to have breached this policy, they may be subject to Oxford City Council's disciplinary procedure. Any breaches of the policy by elected members would be treated as code of conduct complaints. Members can seek further advice from Committee and Member Services.

If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, seek advice from your line manager (or in the case of councillors the Director of Law, Governance and Strategy).

27.9 Infrastructure security

- Desktop PCs should not have data permanently stored on the local hard drive.
- Network drives must be used to store data and documents.
- A laptop hard drive may be used only temporarily to retain documents being moved from one system to another.
- Use of Council equipment by friends or family is strictly forbidden.
- Staff should be aware of their responsibilities in regard to the Data Protection Act.
- Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed.

27.10 Removable media

- All data stored on removable media devices must be encrypted where possible.
- Damaged or faulty removable media devices must not be used.
- Care must be taken to physically protect the removable media device and stored data from loss, theft or damage.
- Removable media devices that are no longer required, or have become damaged, must be returned to ICT Services for secure disposal.
- Removable media devices should be used only for the transfer of data and not for permanent storage.

27.11 ICT access

- Passwords must be protected at all times and must be changed when prompted.
- It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems.

- Partner agencies or third party suppliers must contact the ICT Service Desk to enable any connection to the Oxford City Council network.
- Staff shall not permit third party access without prior consent from the ICT Service Desk.

27.12 Remote access

- It is the user's responsibility to use portable computer devices in an acceptable way. This includes not installing software, taking due care and attention when moving portable computer devices and not emailing "OFFICIAL and above information" to a non-Council email address.
- Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.
- It is the user's responsibility to ensure that access to all "OFFICIAL and above information" is controlled.
- All "OFFICIAL and above data" held on portable computer devices must be encrypted.

27.13 Software policy

- All software acquired must be purchased through ICT Services, subject to scrutiny.
- Under no circumstances should personal or unsolicited software be loaded onto a Council machine.
- Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.
- Changes to software must not be made by users or third parties, without prior consent from the ICT Service Desk.
- Users are not permitted to bring software from home (or any other external source) and load it onto Council computers.
- Illegal reproduction of software is subject to civil damages and criminal penalties.

27.14 Email

- All emails that are used to conduct or support official Oxford City Council business must be sent using the "@oxford.gov.uk" email address.
- All emails sent via the Government Connect Secure Extranet (GCSx) must be of the format "@oxford.gcsx.gov.uk".
- Non-work email accounts must not be used to conduct or support official Oxford City Council business.

- Councillors and users must ensure that any emails containing sensitive information must be sent from an official Council email.
- All “OFFICIAL and above” external e-mail must carry the official Council disclaimer.
- Under no circumstances should users communicate material (either internally or externally), which is defamatory, obscene, or does not comply with the Council’s Equal Opportunities Policy.
- Where GCSx email is available to connect the sender and receiver of the email message, this must be used for all external email use and must be used for communicating “OFFICIAL and above” material.
- In no circumstances is automatic forwarding of email permitted. Auto-forwarding affords no control or protection against the accidental forwarding of personal, private, or sensitive information out of the Council, and as a consequence, leaves the Council open to the risk of potential data breaches and fines.

27.15 Internet use

- Provided it does not interfere with your work, the Council permits personal use of the internet in your own time (for example during your lunch break).
- Users must not create, download, upload, display or access knowingly, sites that contain pornography or other “unsuitable” material that might be deemed illegal, obscene or offensive.
- The laws concerning the protection of copyright and intellectual property rights must be respected.
- Downloading and storage of music and video files and images without a bona fide business reason is forbidden.
- Users must assess any risks associated with internet usage and ensure that the internet is the most appropriate mechanism to use.
- Users must not subscribe to, enter, or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Users must not enter or use online gaming or betting sites.
- Users must not subscribe to or enter “money making” sites or enter or use “money making” programs.
- Users must not run a private business via the internet from Council equipment or premises.
- On-line shopping from a secure site is permitted in the user’s own time but the Council has no liability for any transaction and goods should not normally be delivered to the workplace.

The above list gives examples of some “unsuitable” usage but is neither exclusive nor exhaustive. “Unsuitable” material would include data, images, audio files or

video files the transmission of which is illegal under British law, and, material that is against the rules, essence and spirit of this and other Council policies.

27.16 Use of fixed line phone, mobile phones and smart phones

- Users should ensure that, as far as practicable, private phone calls are restricted to non-work time.
- Users must comply with the Council's specific prohibition on the use of mobile phones when driving on Council business.
- Mobile phones should not be used to distribute, receive or store any material which is offensive or prohibited.

27.17 Government Connect & Information Protection

Information Protective Marking (IPM) is an information security classification scheme that requires the prominent marking of information and documents with a short standard wording that indicates how the information should be handled from a security point of view.

A document should be protectively marked either if there would be significant impact to the Council if the confidentiality, integrity or availability of the document was compromised. If you are the 'originator' of a document or record (i.e. the author or someone responsible for receiving and / or distribution) then you are responsible for adding a protective marking if it is not already marked.

- All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF). (Appendix 1).
- Information sent via the Government Connect Secure Extranet (GCSx) must be labelled appropriately using the SPF guidance. (Appendix 1).
- Access to information assets, systems and services must be conditional on acceptance of the Acceptable Use Policy.
- OFFICIAL information must not be disclosed to any other person or organisation via any insecure methods including paper based methods, fax and telephone.
- Disclosing OFFICIAL classified information to any external organisation is also prohibited, unless via the GCSx email.
- Where GCSx email is available to connect the sender and receiver of the email message, this must be used for all external email use and must be used for communicating OFFICIAL material.
- The disclosure of OFFICIAL classified information in any way other than via GCSx email is a disciplinary offence.

Appendix 1 – HMG Security Policy Framework

All information assets must be classified and labelled in accordance with the HMG Security Policy Framework (SPF). The classification will determine how the document should be protected and who should be allowed access to it. Any system subsequently allowing access to this information should clearly indicate the classification.

The SPF requires information assets to be protectively marked into one of 3 classifications. HMG operates a Classification Policy to identify and value information according to its sensitivity and to drive the right protections. This comprises three levels: OFFICIAL, SECRET and TOP SECRET for which there are distinct security arrangements. OFFICIAL covers most of the day-to-day business of government, service delivery, commercial activity and policy development.

Further details can be found here:

<https://www.gov.uk/government/publications/security-policy-framework>

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Appendix 2 – Exclusions

This policy excludes non-electronic forms of data and information which shall be subject to non-ICT policies within the Council.

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