

CONSTITUTION

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1. CITIZENS' RIGHTS AND OTHER BASIC RULES

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1.1 Summary of citizens' rights

Citizens have the right to:

- vote at local elections and get in touch with their local Councillors
- sit in on full Council, Board and committee meetings, except when exempt or confidential items are discussed (see 15)
- address full Council and ask questions (see 11.8 and 11.9)
- address the Board (see 12.7), scrutiny committees (see 13.9) and other committees (see 14.8)
- contribute to scrutiny committee inquiries (see 13.10)
- look at the Forward Pan which shows what key and other decisions will be taken and when (see 15.14 and 15.16) – this is available on the Council's website and at the town hall.
- look at agendas, reports, minutes and background papers (see 15) – agendas, reports and minutes are available on the Council's website and at the town hall
- look at the register of members' interests (see 22.6) – this is available on the Council's website and at the town hall
- look at a copy of the constitution (see 2.8)
- have petitions considered by full Council or to call officers to account, in each case depending upon the number of

signatures the petition contains – 1,500 to trigger consideration by full Council and 750 to call officers to account (see 11.13)

- sign a petition calling for a referendum on an elected mayor
- make a complaint to the Council
- complain to the ombudsman if they have already complained to the Council
- complain to the Monitoring Officer that a Councillor has broken the members' code of conduct (see 22)
- inspect the Council's accounts at an advertised time and comment to the external auditor.

1.2 Councillors

(a) Elections and terms of office

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

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

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

(b) Role of Councillors

Councillors:

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

- represent the Council on other bodies

(c) Rights and duties of Councillors

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

Councillors must obey the law and follow the members' code of conduct (see 22). They are guided by the code on Councillor –officer relations (see 23), the planning code of practice (see 24) and the code on use of IT equipment (see 27).

(d) Councillors' allowances

Councillors can claim allowances. See 26.

1.3 Full Council

(a) Role of full Council

Full Council is attended by all Councillors. Some things can only be done by full Council. These include:

- agreeing the Council's overall budget and policies (which are known as the budget and policy framework)
- changing the Constitution
- appointment of the leader
- appointing committees of full 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 full Council. But there is a procedure for urgent decisions outside the budget and policy framework (see 16.4).

(b) Full Council Meetings

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

These follow the full Council procedures (see 11).

1.4 Leader and Board

(a) Members of the Board

The Board is made up of the leader, the deputy leader and up to eight other Councillors. The leader is appointed by full Council. The leader appoints the deputy leader and Board members. Members of the Board cannot be lord mayor or a member of a scrutiny committee.

(b) Term of office of Board members

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

- they are removed by full Council or
- they stop being a Councillor or
- they are disqualified from being a Councillor

(c) Board meetings

Board meetings follow the Board procedures (see 12).

(d) Executive decisions

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

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

(e) Key decisions

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

(f) Role of the leader

The Leader is responsible for:

- appointing and removing the deputy leader
- appointing members to and removing members from the Board
- allocating executive responsibilities

(g) Term of office of leader

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

(h) Deputy Leader

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

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

1.5 Other committees that take decisions

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

1.6 Scrutiny

(a) Scrutiny committees

The Council has one scrutiny committee.

The Council also appoints members to a countywide health overview and scrutiny committee.

(b) Role of the scrutiny committee

The scrutiny committee scrutinise the Council's decisions and work. For more details, see 8.

(c) Procedure at scrutiny committees

The scrutiny committee follows the scrutiny committee procedures in Section 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 by full Council each year.

(b) Ceremonial role

The lord mayor represents the Council at civic and ceremonial events.

(c) Chairing full Council

The lord mayor chairs full Council. In chairing full Council, the lord mayor will:

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

1.8 Council employees

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

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

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2.1 Status of this constitution

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

2.2 Interpreting the constitution

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

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

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

2.3 Purpose of the constitution

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

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

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

2.4 Monitoring and reviewing the constitution

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

2.5 Changing the constitution

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

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

2.6 Changing governance arrangements

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

2.7 Suspending the constitution

The constitution can only be suspended where it says so (but see 11.22).

2.8 Publishing the constitution

The Monitoring Officer will keep an up to date version of the constitution and publish it on the Council's website and put hard copies in Council offices and other places where the public can look at it.

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3. COUNCIL RESPONSIBILITIES AND EXECUTIVE RESPONSIBILITIES

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

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

3.2 Summary of Council responsibilities and executive responsibilities

Council responsibilities	Executive responsibilities
<ul style="list-style-type: none">• the budget and policy framework• regulatory work, for example planning and licensing	<ul style="list-style-type: none">• everything else

3.3 Delegation of responsibilities

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

3.4 How delegation works

(a) Delegation by full Council and the leader

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

Full 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 Board or a single member or officer; responsibilities that full Council has not already delegated can be delegated to a committee of full Council or to officers.

(b) Officers' use of delegated powers

Officers do not have to use their delegated powers: they can ask the body that delegated them to decide.

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

3.5 Interpreting the rules on delegation

When a responsibility is delegated in this 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.

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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 full Council.

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

4.3 Need to follow the Constitution

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

4.4 Delegation to officers

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

An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and

- the Constitution or the law does not require it to be carried out by someone else.

4.5 Decisions that must be agreed by the Board

- recommending to full Council the budget and policy framework
- agreeing the risk register and the risk management strategy
- agreeing a draft budget for consultation
- recommending extra spending outside the budget to full Council
- using a year-end surplus in a trading account
- considering periodic financial, risk performance management and customer feedback monitoring reports
- approving the medium term financial strategy
- recommending to full Council transfers of assets between the general fund and housing revenue account
- agreeing transfers between cost centres of £250,000 to £500,000 that are consistent with the policy framework.
- giving project approval for projects of £500,000 or over
- accepting tenders of £500,000 or over
- considering reports from the Audit Commission and agreeing action plans in response
- receiving scrutiny recommendations and re-considering decisions of the Board which have been referred back from scrutiny following the call-in of a Board decision
- matters that the statutory officers of the Council place on the agenda

- matters that a single executive member is precluded from making a decision on because of a prejudicial interest or which the single executive member wishes to remit to the Board
- making compulsory purchase orders
- agreeing the strategy for setting fees and charges
- agreeing a yearly programme of works for central area car parks
- responding to consultations by outside bodies where the leader wishes the Board to approve the response.
- appointing representatives to outside bodies
- adoption of supplementary planning guidance
- acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000.
- acquiring or disposing of leases with a rental value over £125,000 each year
- disposing of property or leases for less than best consideration
- changing eligibility for services
- agreeing the community and voluntary organisations grants prospectus
- giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties)
- setting fees and charges
- setting minimum service standards
- designations of conservation areas
- naming and numbering of streets if there are unresolved objections following consultation

- responding to consultations by outside bodies where the leader wishes a single executive member to approve a response

4.6 Ward member decisions

- (a) Each member of Council will (subject to the budget being approved annually by Council) be allocated an amount of money to spend in their ward.
- (b) The allocation may be spent only if it would benefit the economic, social or environmental well-being in relation to the member's own ward.
- (c) Any spend must be approved by the Monitoring Officer and the Chief Finance Officer.
- (d) No spend may be sought in a financial year in which City council elections are held before those elections are held
- (e) The decision to incur the spend may be called-in (see 17).

4.7 Decisions relating to Port Meadow and Wolvercote Common

Decisions of the Board, single executive and 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.

4.8 Responsibilities not covered by these rules

If a responsibility does not have to be carried out by the Board and no one has budgetary and management responsibility for it, the leader will arrange for it be carried out by the Board or an officer.

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Related sections

5.1 Council responsibilities

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

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

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

5.2 Budget and policy framework

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 costs centres and agree the treasury management strategy

the policy framework includes any policies required to be agreed by full 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.

(b) Who carries out the responsibility?

Full Council.

5.3 Planning

(a) Description of responsibility

All the responsibilities in Paragraph A and Part 1 of paragraph I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the duty to deal with complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003 and the power to preserve trees under the Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999.

(b) Who carries out the responsibility?

The following responsibilities are carried out by area planning committees:

- deciding planning applications for more than five residential units or for residential developments on sites with a site area of over 0.25 hectares
- deciding planning applications for non-residential developments on sites over 0.5 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 500 m²
- deciding planning applications by the Council or by Councillors or officers
- deciding planning applications where a Councillor or an officer is the agent

- agreeing significant amendments or planning conditions where those conditions were originally imposed by area planning committee
- agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent
- deciding planning applications that have been called in during the 21-day consultation period (see 17.3)
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications for phone masts where there are objections (except applications that can go ahead, unless the Council refuses them within 56 days)
- to confirm Article 4 Direction where there have been objections
- confirming and revoking tree preservation orders when there are objections
- dealing with complaints about high hedges when the hedge is on the Council's land or land occupied by a Councillor or officer or when the complaint has come from a Councillor or officer.

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

The planning review committee decides planning applications that have been called in from an area planning committee (see 17.3).

The head of city development does everything else including deciding applications to renew a planning permission where there has been no change of circumstances.

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?

Full Council sets policies on licensing.

The licensing and gambling acts committee:

- reviews and recommends policies on licensing to the Board
- sets licence fees.

The licensing and gambling acts committee appoints licensing and gambling acts casework sub-committees to:

- decide whether to give, change to transfer premises licences or club registration certificates when there are objections
- decide whether to give a temporary premises licence to a replacement licence holder when there are objections
- review premises licences and club registration certificates after a closure order
- decide valid applications for a review of a premises licence or club registration certificate
- deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built or converted
- decide whether to prevent one-off events when there are objections from the police
- decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
- decide applications for personal licences when there are objections from the police

- decide whether to withdraw a personal licence on hearing of a conviction
- respond to consultation on an application by another body that gives licences.

The head of environmental development does everything else.

5.5 Licensing of gambling

(a) Description of responsibility

All the responsibilities in the Gambling Act 2005.

(b) Who carries out the responsibility?

Full Council sets policies on licensing.

The licensing and gambling acts committee:

- Reviews and recommends policies on licensing to the Board
- sets licence fees.

The licensing and gambling acts committee appoints licensing and gambling acts casework sub-committees to:

- deal, when there are objections, with premises licence applications, changes and transfers
- review premises licences
- deal, when there are objections, with applications for a statement saying the Council expects to give a licence to premises that are yet to be built, converted or occupied
- decide whether to prevent temporary events or uses when there are objections
- deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
- deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits

- deal with anything else that needs a hearing or that cannot legally be delegated to officers

The head of environmental development does everything else.

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?

Full 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 the Board
- sets and reviews licence fees.

The general purposes licensing committee appoints a hackney carriages and private hire licensing sub-committee to:

- deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers
- decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has a conviction and the relevant service head has concerns about the nature of the offence, or the applicant or the vehicle may not be suitable for some other reason.
- withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

The head of environmental development does everything else.

5.7 Other licensing and registration

(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?

Full Council sets policies on licensing and registration.

The general purposes licensing committee:

- reviews and recommends policies on licensing and registration to the Board
- sets and reviews licence fees
- agrees a charity collections scheme
- agrees and varies a street trading policy and scheme

The general purposes licensing committee appoints a licensing and registration sub-committee to:

- decide sex establishment licence applications when there are objections
- decide street trading applications that are for longer than three months
- decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.

The head of environmental development does 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 head of environmental development.

5.9 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?

Full 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?

Full 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?

Full Council.

5.12 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?

Full Council.

5.13 Pensions

(a) Description of responsibility

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

(b) Who carries out the responsibility?

The chief executive.

5.14 Ban on smoking in public places

(a) Description of responsibility

All the responsibilities in the Health Act 2006

(b) Who carries out the responsibility?

The head of environmental development

5.15 Other Council responsibilities

Responsibilities	Legislation	Carried out by
Power to make standing orders	Local Government Act 1972, Section 106 and paragraph 42 of Schedule 12	Full Council
Power to make contract rules	Local Government Act 1972, Section 135	Full Council
Power to appoint staff and to set their terms and conditions (including procedures for dismissing them)	Local Government Act 1972, Section 112	Appointments committee appoints directors and head of service and recommends full Council on appointment of chief executive and designation of head of paid service, chief finance officer and Monitoring Officer
		<p>Heads of service appoint everyone else</p> <p>Full Council sets collective terms and conditions 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 directors in accordance with national or local pay award/review schemes. Deciding upon the salary of the chief executive and the directors is the responsibility of the appointments committee.</p>
Duty to arrange proper financial administration	Local Government Act 1972, Section 151	Chief finance officer
Duty to designate head of paid service and provide resources	Local Government and Housing Act 1989, Section 4(1)	Full Council (but appointments committee makes a recommendation)
Duty to designate	Local Government and	Full Council (but

Monitoring Officer and provide resources	Housing Act 1989, Section 5(1)	appointments committee makes a recommendation)
Powers relating to scrutiny committees (voting rights of co-opted members)	Local Government Act 2000, paragraph 12 and 14 of Schedule 1	Full Council
Power to appoint proper officers	Local Government Act 1972, Section 270(3)	Head of law and governance
Power to issue a closing order to a takeaway food shop	Local Government (Miscellaneous Provisions) Act 1989, Section 4	Head of environmental development
Powers to protect important hedgerows	The Hedgerows Regulations 1997	Head of city development
Power to apply for an enforcement order against unlawful works on common land	Commons Act 2006, Section 4	Head of city development
Power to protect unclaimed register to common land and unclaimed town or village greens against unlawful interference	Commons Act 2006, Section 45(2)(a)	Head of city development
Power to institute proceedings for offences in support of unclaimed registered common land and unclaimed town or village greens	Commons Act 2006, Section 45 (2)(b)	Head of city development
Duty to provide resources to a person named by the Monitoring Officer	Local Government Act 2000, Sections 82A (4) and (5)	Full Council
Power to provide compensation when there has been maladministration	Local Government Act 2000, Section 92	Chief executive
Power to make an order identifying a place	Criminal Justice and Police Act 2001, Section 13(2)	Full Council

as a public place for the purposes of police powers to deal with street drinking		
Duty to appoint an electoral registration officer	Representation of the People Act 1983, Section 8(2)	Full Council
Power to provide the officers the electoral registration officer needs	Representation of the People Act 1983, Section 52(4)	Electoral registration officer
Parish and parish Council responsibilities	Local Government and Rating Act 1997, Part II	Electoral registration officer
Power to dissolve small parish Councils	Local Government Act 1972, Section 10	Full Council
Power to make orders for grouping parishes, dissolving groups or separating parishes from groups	Local Government Act 1972, Section 11	Full Council
Elections and Electoral Regulations Powers and Duties		
Duty to appoint returning officer for local government elections	Representation of the People Act 1983, Section 35	Full Council
Duty to help in European parliamentary elections	European Parliamentary Elections Act 1978, Paragraph 4(3) and 4(4) of Schedule 1	Returning officer
Duty to divide constituency into polling districts	Representation of the People Act 1983, Section 18	Full Council
Power to divide electoral divisions into polling districts at local government elections	Representation of the People Act 1983, Section 31	Full Council
Powers to do with holding elections	Representation of the People Act 1983, Section	Returning officer

	39(4)	
Power to pay electoral registration officer's expenses	Representation of the People Act 1983, Section 54	Full Council
Power to fill empty seats on parish Councils when there are not enough nominations	Representation of the People Act 1983, Section 21	Returning officer
Duty to declare vacancy in office	Local Government Act 1972, Sections 86	Returning officer
Duty to give notice of a casual vacancy	Local Government Act 1972, Section 87	Returning officer
Power to make temporary appointments to parish Councils	Local Government Act 1972, Section 91	Returning officer
Power to make proposals for pilot schemes for local elections	Representation of the People Act 2000, Section 10	Full Council
Duty to consult on change of scheme for elections	Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2)	Full Council
Duties relating to publicity	Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52	Full Council
Duties relating to notice to Electoral Commission	Local Government and Public Involvement in Health Act 2007, Section 53	Full Council
Functions relating to change of name of an electoral area	Local Government and Public Involvement in Health Act 2007, Section 59	Full Council
Power to alter years of ordinary elections of parish Councillors	Local Government and Public Involvement in Health Act 2007, Section 53	Full Council

6. ROLE OF BOARD MEMBERS

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Related sections

6.1 Role of all Board members

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

6.2 Principal areas of political responsibility of individual Board members

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

(a) Leader of the Council

Corporate governance and strategic partnerships

(b) Deputy leader of the Council

Finance and efficiency

(c) Crime and Community Safety

(d) Customer services and regeneration

(e) City development

(f) Stronger communities

(g) Cleaner, greener Oxford

(h) Parks and Sports

(i) Leisure services

(j) Housing needs

6.3 Other areas of responsibility

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

6.4 Role of individual Board members

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

- (a) Make decisions on matters set out in 4.6 that fall within their areas of political responsibility
- (b) Provide political leadership and accountability – this will include representing the Council on outside organisations
- (c) Develop and oversee the Council's work – this will include:
 - advising the Board and officers on priorities
 - advising the Board and officers on service specification
 - advising the directors and heads of service on business and service plans
 - advising on bids for Government and other funding
 - advising project and programme boards

7. ROLES OF DECISION TAKING COMMITTEES

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7.1 Area planning committees

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

7.2 Planning review committee

The planning review committee carries out the responsibilities for called in planning applications delegated to it in 5.3.

7.3 Licensing and gambling acts committee

The licensing and gambling acts committee carries out the responsibilities delegated to it in 5.4 and 5.5. It delegates some responsibilities to licensing and gambling acts casework sub-committees.

7.4 General purposes licensing committee.

The general purposes licensing committee carries out the responsibilities delegated to it in 5.6 and 5.7. It delegates some responsibilities to the hackney carriages and private hire licensing sub-committee and to the licensing and registration sub-committee.

7.5 Audit and governance committee

The audit and governance committee is responsible for:

(a) Internal control and risk management

Reviewing internal control and risk management, particularly:

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

(b) Audit and risk

- reviewing the internal audit programme
- considering the main findings of internal audit investigations and 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) Financial reporting

Reviewing the yearly financial statements before they go to the Board, 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.

(e) Statement of accounts

Considering and approving the annual statement of accounts

7.6 Disciplinary committee for chief executive, directors and heads of service

Deciding disciplinary hearings involving the chief executive, executive directors and heads of service.

7.7 Appointments committee

- (a) Recommending to full Council who to appoint to the position of chief executive
- (b) Recommending to full Council who to appoint as Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (c) Appointing directors and heads of service
- (d) Deciding upon the salaries of the chief executive and directors.

7.8 Standards committee

- (a) Considering complaints of breaches of the members' code of conduct
- (b) Making recommendations to full Council on the adoption or revision of the members' code of conduct
- (c) Making recommendations to full Council on complaints handling arrangements in respect of breaches of the members' code of conduct

- (d) Considering requests from councillors for dispensation from being precluded from participation in a meeting

8. ROLES OF SCRUTINY COMMITTEES

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8.1 Areas of work of scrutiny committees

Full 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 Board or full Council on anything the Council is responsible for or anything that affects the city or its people
- Make reports and recommendations to the County Council and any other partner authorities in respect of any local area agreement improvement target, and require the County Council and partner authorities to provide information that the committee reasonably requires
- Consider decisions that have been called in and ask for them to be looked at again – see 17.1
- Monitor the Forward Plan and call for reports on items that are coming up
- Require senior officers (see 9.1), and Board members to attend their meetings and answer questions (see 13.14)
- Hold public inquiries
- Invite people to their meetings and gather evidence from them
- Establish standing and ad hoc panels to do their work and make recommendations

8.3 Roles of the scrutiny committee

(a) Developing and reviewing policy

The scrutiny committee can:

- Help full Council and the Board to develop policy by studying issues in detail
- Carry out research and consultation on policy
- Consider and introduce schemes to involve the public in developing policy
- Work with national, regional and local organisations to promote the interest of local people.

(b) Holding the executive to account

The scrutiny committee can:

- Review the performance and decisions of the Board, single executive members and Council officers (but not decisions on individual planning or licensing applications)
- Review the Council's progress in achieving its policy aims and performance targets
- Review the performance of individual services
- Ask Board members, and senior officers (see 9.1) questions about their decisions and performance – these may be questions about general performance or about particular decisions and projects.

(c) Managing the budgets for scrutiny

The scrutiny committee is responsible for any budgets it is given.

(d) Holding others to account

The scrutiny committee can hold other public service providers to account.

9. ROLES OF OFFICERS

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Related sections

9.1 Senior management structure

The Council has a chief executive and three executive directors. Their responsibilities and those of all senior managers are shown in the senior management structure that appears later in this section.

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

The table shows who carries out these roles.

Role	Post
Head of Paid Service	Chief Executive
Chief Finance Officer	Head of Finance
Monitoring Officer	Head of Law and Governance

9.3 Role of Head of Paid Service

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

- i) That the chief executive shall consult with all political group leaders prior to the implementation of any changes;
- ii) That no change may be implemented which results in an increase in the overall number of senior management posts or an increase in the overall salary costs of senior management;
- iii) That the chief executive will maintain on the Council's website an up to date senior management structure chart showing post titles and the broad functional responsibilities of each post

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

- (b) The Head of Paid Service will take any action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

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

- (c) The Head of Paid Service may discharge executive functions where there is no lead officer after consultation with the leader or deputy leader of each political group

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 full Council (or the Board for an executive responsibility).

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

If another body is also investigating a proposal or decision that could result in unlawful action or

maladministration, the Monitoring Officer can delay reporting to full Council or the Board until that body has investigated.

(b) Leading on ethical issues

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

The Monitoring Officer will meet regularly with the Head of Paid Service and the Chief Finance Officer to consider issues of governance and probity and will facilitate periodic meetings between the chair of the standards committee, the leader and the Head of Paid Service.

(c) Carrying out investigations

The Monitoring Officer may investigate:

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

(d) Being proper officer for access to information

The Monitoring Officer will be the proper officer for access to information. This will include making sure that the Council publishes full Council, Board, committee, single member and officer key 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.

9.5 Monitoring Officer's right to information

(a) Information for investigations

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

(b) Reports to Councillors

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

(c) Barristers' opinions

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

9.6 Role of Chief Finance Officer

(a) Making sure decisions are lawful and financially sensible

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

(b) Managing the Council's finances

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

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

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

(d) Giving advice

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

(e) Giving financial information

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

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

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

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

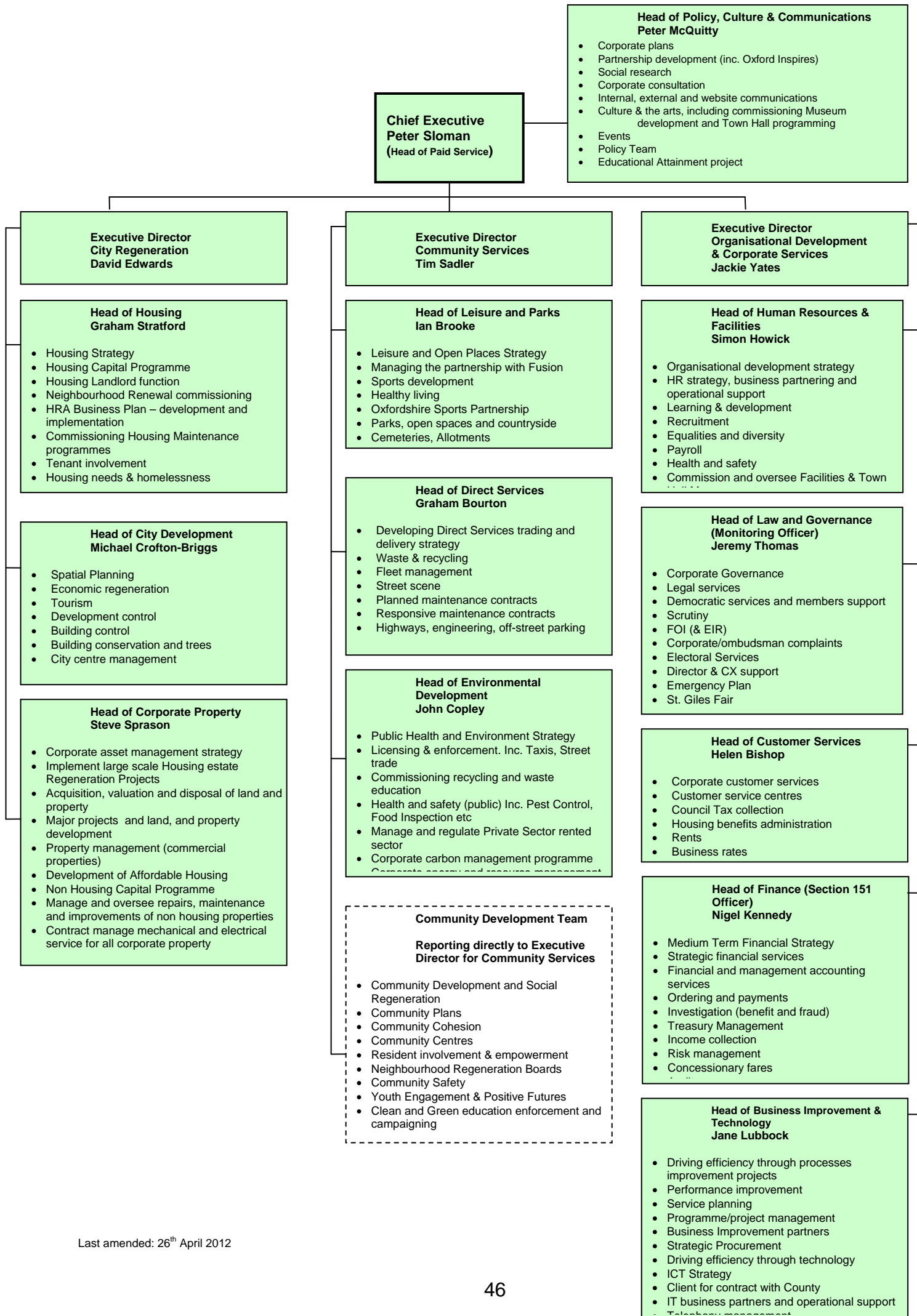
Directors and heads of service must alert the Monitoring Officer and Chief Finance Officer to issues of concern as soon as they come up. These will include legality, probity, vires and constitutional issues.

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

9.9 Restrictions on holding other posts

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

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



10. PROPER OFFICERS

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Related sections

10.1 Appointment of proper officer

Proper officers are appointed by full Council.

10.2 Responsibilities and proper officers

Legislation	Responsibility	Proper officer	
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 full Council meeting to elect a chair if there is a casual vacancy	Chief executive
	Section 89(1)	Giving notice of a casual vacancy	Chief executive
	Section 100 except 100(d)	Opening meetings to the public	Head of law and governance
	Section 100(d)	Listing background papers for reports and making copies available	All heads of service
	Section 115(2)	Receiving money due from officers	Head of finance
	Section 146(1)(a) and (b)	Making declarations and certificates about transferring securities	Head of finance

Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Head of law and governance
	Section 225	Depositing documents	Head of law and governance
	Section 228(3)	Making accounts available for Councillors to look at	Head of finance
	Section 229(5)	Certifying photocopies of documents	Head of law and governance
	Section 234	Authenticating documents	All heads of service
	Section 236(9) and (10)	Sending copies of byelaws to parish Councils, parish meetings and the county Council	Head of law and governance
	Section 238	Certifying byelaws	Head of law and governance
	Section 248	Keeping a list of freemen of the city	Head of law and governance
	Schedule 12, Para 4(2)(b)	Signing the summons to full Council	Chief executive
	Schedule 12 Para 4(3)	Being told where to send summonses to full Council meetings	Head of law and governance
Schedule 14 Para 25	Certifying resolutions passed under this Paragraph	Head of law and governance	
Schedule 16 Para 28	Keeping lists of buildings of special architectural or historic interest	Head of city development	
Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report	Chief executive

are available			
Local Government (Miscellaneous Provisions) Act 1976	Section 41(1)	Certifying copies of resolutions and minutes	Head of law and governance
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Cemeteries manager
Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Returning officer
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Returning officer
Local Elections (Parishes and Communities) Rules 1986	Rules 46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Returning officer
Local Government and Housing Act 1989	Section 2(4)	Keeping the list of politically restricted posts	Chief executive
Local Government (Committees and Political Groups) Regulations 1990		Dealing with political balance on committees	Head of law and governance
Local Authorities (Standing Orders) (England) Regulations 2001		Giving notice of appointments and dismissals of officers in accordance with the Regulations	Head of people and equalities

Local Government Act 2000		Acting as proper officer for all the responsibilities in the Local Government Act 2000 and subordinate legislation	Head of law and governance
Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of environmental development
Public Health Act 1961	Section 37	Controlling verminous things	Head of environmental development
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Proper Officer (Medical)
	Section 18	Getting information about cases of notifiable disease or food poisoning	Proper Officer (Medical)
	Section 20	Stopping of work to prevent disease spreading	Proper Officer (Medical)
	Section 21	Excluding children from school if they are likely to carry a notifiable disease	Proper Officer (Medical)
	Section 22	Asking for the names and addresses of pupils at a school or department of a school	Proper Officer (Medical)
	Section 32	Certifying the need to remove someone from an infected house	Head of Environmental Development
	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Proper Officer (Medical)

	Section 40	Getting a warrant to examine residents of a common lodging house	Proper Officer (Medical)
	Section 42	Certifying a common lodging house to be free from infection	Proper Officer (Medical)
	Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Proper Officer (Medical)
	Section 48	Certifying that it would be a health risk to keep a body in a building	Proper Officer (Medical)
	Section 59	Authenticating documents about things they are responsible for	Proper Officer (Medical)
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Proper Officer (medical)
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Proper Officer (medical)
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Head of finance

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

MEETING PROCEDURES

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11. FULL COUNCIL PROCEDURES

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Note: The expression 'clear working days' for the purposes of this section of the Constitution does not include the day on which notice is given or the day of the meeting. So, to use 11.9(b) (Councillor Questions on Notice) as an example, if the meeting at which the question is to be taken is on a Monday, the question must be received by 1.00 p.m. on the previous Monday, with the four clear working days being the intervening Tuesday to Friday.

11.1 Order of business at annual meeting of full Council

The order of business will be:

- (a) elect the lord mayor
- (b) appoint the deputy lord mayor
- (c) appoint the sheriff
- (d) receive any announcements from the lord mayor or the head of paid service
- (e) elect the leader (in the year in which this is required)

- (f) receive a report from the leader on the appointment of the deputy leader, Board members and the executive scheme of delegation
- (g) appoint any committees required by law
- (h) appoint any other committees
- (i) agree how Council responsibilities will be carried out (see section 5)
- (j) deal with any other business on the agenda

11.2 Order of business at ordinary meetings of full 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) approval of minutes as a correct record
- (c) declarations of interests from councillors
- (d) appointments to committees
- (e) announcements from the lord mayor, sheriff, leader, head of paid service, chief finance officer and monitoring officer
- (f) any unfinished business from the last meeting
- (g) public addresses and questions that relate to a decision at the meeting
- (h) recommendations from the Board
- (i) reports for decision by the meeting
- (j) decision sheets from the Board
- (k) questions by councillors (see 11.9 (b))

Part 2 – Public Involvement and Scrutiny

- (l) public addresses and questions other than those taken in Part 1 (see 11.10 and 11.11)

- (m) consideration of petitions (see 11.13)
- (n) reports and questions about organisations the Council is represented on (see 11.14)
- (o) reports by chairs of scrutiny committees (see 11.15)
- (p) recommendations and reports from scrutiny committees

Part 3 – Motions – Representing the City

- (q) motions on notice (see 11.16)
- (r) anything else on the agenda.

11.3 Special meetings of full Council

The chief executive can be required to call a special meeting by full 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 her or his discretion.

Special meetings will only deal with the business they have been called for but they may receive addresses (see 11.10 (d))

11.4 Time and place of full Council meeting

Ordinary meetings usually start at 5.00 p.m. The annual meeting will usually start at 4.00 p.m. The times of special meetings are decided by the chief executive. Meetings are usually held in the council chamber in the town hall.

For ordinary meetings, Part 2 of the order of business as set out in 11.2 shall not commence before 7.00 p.m.

11.5 Quorum for full 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.

11.6 Changing the order of business

The lord mayor can ask full Council to agree to change the order of business (see 11.1 and 11.2), except for the first two items at annual meetings.

11.7 Minutes

(a) Signing the minutes

At the first ordinary meeting when the minutes are available, the lord mayor will move that the minutes are correct and sign them. Full Council will not discuss the minutes.

(b) No minutes at annual or special meetings

Minutes are not signed at annual meetings or special meetings. They are signed at the next ordinary meeting instead.

11.8 Reports to full Council

- (a) Officers can be asked to introduce reports.
- (b) Reports and recommendations from the Board will be moved by the leader or one of the Board members. Reports and recommendations from committees will be moved by the chair (or another member of the committee they have nominated). Reports from officers may be moved by any member.
- (c) The person moving a report can withdraw all or part of it, correct mistakes or make minor changes.
- (d) After any questions, statements and amendments to recommendations to Council have been acted upon, the Board or committee or officer recommendation will be voted upon and adopted subject to any agreed amendments.

11.9 Questions and statements by Councillors

(a) Questions and statements without notice

- A Councillor can ask a question without notice to anyone making an announcement under 11.2 (e).

A Councillor can ask a question or make a statement without notice to:

- the leader or a Board member about a recommendation, report or action of the Board
- the leader or a Board member about a decision of the Board
- the chair of a scrutiny committee about a recommendation, report or action of the committee

Questions on Board decisions (11.2 (j)) are limited to 15 minutes in total.

(b) Questions on notice

Questions on notice must be about something the Council is responsible for or something that directly affects people in the city.

The full wording of these questions must be emailed to fullCouncil@oxford.gov.uk or received by the head of law and governance by 1.00 p.m. at least four clear working days before the full Council meeting.

Questions must be directed to the lord mayor, a Board member or a committee chair. A Board member can nominate another Board member to reply.

(c) 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.

11.10 Addresses by the public

(a) Addressing full Council

Members of the public may address full 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. An address can also be put in writing. A member of the public making an address may be accompanied by up to three other members of the public.

Addresses will be taken in the order in which they are received by the head of law and governance 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 (see 11.2 (g))
- If the address does not relate to a matter for decision at the meeting, during Part 2 of the order of business (see 11.2 (l))

(b) Number of addresses to full Council

There shall be no limit to the number of addresses to any ordinary Council meeting but the total time permitted for public addresses and public questions (see 11.11) is 45 minutes (see 11.11(g))

(c) Annual meeting

There will not be any 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.

(e) Notice

The full wording of an address must be received by the head of law and governance by 5.00 p.m. at least three clear working days before the full Council meeting.

(f) Number of addresses

Normally full Council will hear just 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, full 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 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 after having it investigated by an officer or discussed by the Board or a committee. But the Board Member may make a response to an address if they choose.

(i) Personal attacks

Addresses must not contain personal attacks. If an address contains a personal attack, the lord mayor will ask the speaker to stop. If the personal attack continues, the lord mayor will ask the speaker to leave. If the speaker refuses to leave straight away, the lord mayor can halt the meeting until they do.

11.11 Questions by the public

(a) Asking questions at full Council

Members of the public can ask questions at ordinary meetings. These can be addressed to the leader or other Board member. Questions must be about something the Council is responsible for, something that directly affects people in the city or something for decision at the meeting.

Members of the public cannot ask questions at an annual or special meeting.

Questions will be taken in the order in which they are received by the head of law and governance but at two points in the order of business, namely:

- If the question relates to a matter for decision at the meeting, during Part 1 of the order of business (see 11.2(g))

- If the question does not relate to a matter for decision at the meeting, during Part 2 of the order of business (see 11.2(l))

(b) Notice

The full wording of the question must be given to the head of law and governance by 5.00 p.m. at least three clear working days before the full Council meeting.

(c) Number of questions

Members of the public cannot ask more than one question per meeting. Supplementary questions are not allowed. There shall be no limit to the number of questions to any ordinary meeting but the total time permitted for public questions and public addresses (see 11.10) is 45 minutes (see 11.11(g))

(d) Asking the question

The lord mayor will ask the questioner to ask their question. The member asked the question will answer it either orally at the meeting or by referring to the availability of the answer at the meeting. If the questioner or the councillor to whom the question is addressed is not present, the chief executive will have a reply sent with 10 working days. This will be copied to the councillor who would have been asked the question.

(e) Length of questions and answers

Questions and answers to questions cannot take longer than three minutes unless the lord mayor agrees.

(f) Referring questions to the Board or to committee

After a question has been answered, there will be no discussion.

Any councillor can propose that a matter raised by a question is referred to the Board or to a committee. If the proposal is seconded, it will be voted on without discussion.

(g) Total length of addresses and questions

Full Council will not spend more than 45 minutes taking addresses (11.10) and questions (11.11). If it cannot take all the addresses and questions, it will take them in the

order that notice was given of them until there is no time left.

(h) Written answers

If a question is not taken because there is no time left, the chief executive will have a reply sent within 10 working days.

11.12 Rejecting addresses and questions

The head of law and governance can reject a public address or question on notice or a question on notice by a councillor, and the lord mayor can reject a question or statement without notice, if:

- it is not about something the Council is responsible for or about something that directly affects people in the City or about a matter for decision at the meeting
- it is defamatory, frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information (see 15.4)

If a question or statement is rejected, reasons must be given.

11.13 Petitions to full Council

Under the Council's petitions scheme (annexed to this part of the Constitution), if a petition contains at least 1,500 signatures it will be debated at full Council. Any petition presented as part of an address (see 11.10) directly to full Council and that contains at least 1,500 signatures will not be debated at that meeting but at the next ordinary meeting. The petition organiser may address full Council upon the petition for up to five minutes before the debate upon the petition.

Following any address by the petition organiser full Council will debate the petition in any way that full Council chooses and decide one of the following:

- note the petition
- take the action the petition requests
- not take the action the petition requests

- commission further investigation into the matter
- where the matter is one which the executive is required to make the final decision, decide whether to make recommendations to inform that decision.

There is a limit of 15 minutes for dealing with each petition

11.14 Reports and questions about organisations on which the council is represented

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 head of law and governance 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.

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 1.00 pm at least four working days before the meeting.

11.15 Reports by chairs of scrutiny committees

Each ordinary meeting of council shall receive a written report from at least one of the council's scrutiny committees on the work of the committee. That report shall be included in the agenda of the meeting. The chair of any other 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.

11.16 Motions on notice

(a) Giving notice of motions

Some motions may be moved without notice. These are listed at 11.17. For all other motions, the full wording must be emailed to fullcouncil@oxford.gov.uk or received by the head of law and governance by 1.00 pm at least seven clear working days before the meeting. These motions will be reproduced on the agenda for the meeting.

(b) Topic of motions

Motions must be about things the Council is responsible for or something that directly affects people in the city.

(c) Listing motions on the agenda

Motions will appear on the agenda in the order they were received by the head of law and governance but where received, the first motion taken at each meeting to be from a member of a different political group to the first motion on the agenda of the immediately preceding meeting, and following that, one motion from a member of the other political groups until all the motions have been listed.

(d) Time limits

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

(e) Motion to remove the leader

Any motion to remove the leader and replace her or him with another leader must be signed by no less than twelve members and emailed to fullcouncil@oxford.gov.uk or received by the head of law and governance by 1.00 pm at least seven clear working days before the meeting. This motion will be reproduced on the agenda for the meeting.

11.17 Motions without notice

There is no need to give notice of motions to:

- appoint a chair of the meeting
- agree or correct the minutes
- change the order of business
- refer something somewhere else
- agree or amend recommendations of the Board, Council committees or officers
- withdraw a motion
- amend a motion during a debate on it – see 11.18 (g)
- got to next business
- move to a vote
- adjourn a debate or meeting

- suspend a full Council procedure – see 11.24 (a)
- hold a discussion in private (when allowed under the access to information and key decision procedures – see 15)
- hear a Councillor no further – see 11.22(c)
- exclude a Councillor from the meeting – see 11.22 (d)
- give full Council's agreement when it is required by the Constitution.

11.18 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) Secunder's speech

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

(c) Contents and length of speeches

Speeches (except for points of order and personal explanations (see (l) and (m)) must be about the item being discussed.

(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 – see (i)
- make a point of order – see (l)
- make a point of personal explanation – see (m)

(e) Amendments to motions - relevance

An amendment must be relevant to the motion and must be a proposal:

- to refer a motion somewhere else
- to add, replace or leave out words.

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

(f) Amendments to motions

Substantive amendments to motions must be submitted no later than 1.00 pm at least one clear working day before the meeting so that they may be circulated with the briefing note.

Minor technical or limited wording amendments may be submitted during the meeting but must 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 motion

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

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.

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

(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 but not before.

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

(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
- to move to a vote
- to adjourn the meeting or debate
- to hold a meeting in private (when allowed under the access to information and key decision procedures – see 15)
- to hear a Councillor no further – see 11.22 (c)
- to exclude a Councillor from the meeting – see 11.22 (d)

(k) Motions to end or postpone the debate

After a speaker has finished speaking any councillor can move 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. Full Council will then vote on whether to go to next business. If full Council agrees to go to next business, the original motion will not be voted on and will not become a resolution of full Council.

If a motion to move to a vote is seconded and the lord mayor thinks the meeting has discussed the item enough, full Council will vote on whether to take the vote on the original motion. If full Council decides to take the vote, the mover of the original motion will have the right to reply. Then full 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, full Council will vote on whether to adjourn. The mover of the original motion will not have the right of reply before this vote.

(l) Points of order

A councillor can make a point of order at any time. The lord mayor will hear a point of order immediately. A point of order must be about the law or a full 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. 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.

11.19 Voting

(a) Majority

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 – see (d) and (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.

(e) 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.

(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.

11.20 Officers

Full Council will consider whether to exclude the public before discussing the conditions, supervision, dismissal or conduct of any officer or former officer.

11.121 Excluding the public

The public can only be excluded if it is under the access to information rules (see 15) or if they are making a personal attack (see 11.10 (i)) or disrupting the meeting (see 11.23).

11.22 Councillors' behaviour

(a) Speaking at Council

When they speak at full 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 full 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 full 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.

(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 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 full Council procedures in this section can be suspended except 11.6 (changing the order of business), 11.7 (b) (no minutes at annual or special meetings) and 11.19 (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 full 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 full Council.

Oxford City Council Petitions Scheme

Introduction

The City Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition, and if it contains a minimum of 1000 signatures where it relates to a Citywide matter or 500 signatures where it relates to a matter that affects one Ward.

The Council encourages use of the e-petition feature of the website. An e-Petition is a petition which collects signatures online. This allows petitions and supporting information to be made available to a potentially much wider audience than a traditional paper based petition. Paper petitions are still accepted and should be sent to:-

Head of Law and Governance
Oxford City Council
Town Hall
St Aldate's
Oxford, OX1 1BX

Petitions can also be presented to a meeting of the council. Ordinary meetings take place four or five times a year. Dates, times and agenda can be found on our Council Meetings pages. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact the Head of Law and Governance or telephone 01865 252214 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a council debate.

What are the guidelines for submitting a petition?

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. The contact details of the petition organiser will not be placed on the website. If the petition does

not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. 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.

If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

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 Head of Law and Governance or by telephoning 01865 252230.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reason for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our Accepted Petitions page, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

Taking the action requested in the petition

Not taking the action the petition requests

Considering the petition at a council meeting

Holding an inquiry into the matter

Undertaking research in to the matter

Holding a public meeting

Holding a consultation

Holding a meeting with petitioners

Referring the petition for consideration by a scrutiny committee*

Calling a referendum

Noting the petition

Writing to the petition organiser setting out our views about the request in the petition

(*Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council - in other words, the scrutiny committee has the power to hold the council's decision makers to account.)

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

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. The council works with a large number of local partners and partnerships and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our About Us page on our website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other

council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1500 signatures it will be debated by the full council (unless it is a petition asking for a senior council officer to give evidence at a public meeting - see later in this Scheme for details on such requests). This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

The council will endeavour to consider the petition as its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee, or simply to note the petition.

Where the issue is one on which the Council's Executive is required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's scrutiny committee. The following list of senior staff that can be called to give evidence:

Head of Paid Service

Monitoring Officer

Head of Human Resources and Facilities

Chief Finance Officer
Executive Director, City Regeneration

Executive Director, City Services

Executive Director, Finance and Efficiency

You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs.

The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting us on 01865 252230 up to three working days before the meeting.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The scrutiny committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee decide we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

12. BOARD PROCEDURES

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12.1 Who carries out executive responsibilities within the Council?

Executive responsibilities are carried out by the leader, the Board or delegated to officers.

12.2 Date and place of meetings

The Board meets on dates agreed by the leader. Meetings are at the town hall or another place agreed by the leader.

12.3 Quorum

The quorum is three. Substitutes are not allowed.

12.4 Vacancies on the Board

A Councillor can resign from the Board by writing to the head of law and governance. If a Board member resigns from the Board or stops being a Councillor, the leader may replace that Board member and any replacement will become effective upon notification of the name of the new Board member to the Head of Law and Governance.

12.5 How are decisions taken at Board 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 Board meetings

The leader will chair Board meetings or appoint someone else to chair them.

If the leader or the person they have appointed is absent, the Board can appoint another Councillor 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:

- declarations of interest
- when the chair agrees, questions from the public for up to 15 minutes – these must be about the items for decision at the meeting (excluding the minutes) and the full text of any question must have been given to the Head of Law and Governance by 9.30 a.m. on a day so that there is at least one clear working day before the meeting. No supplementary questions or questioning will be permitted. Questions by the public will be taken as read and, when the chair agrees, be responded to at the meeting.
- reports from scrutiny committees
- councillor addresses on any item for decision on the board's agenda
- other agenda items, including reports from Board members
- items raised by Board members
- minutes of the last meeting.

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 Board 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.

12.9 Councillors speaking at meetings

City councillors may, where the chair agrees, address the board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the head of law and governance by no later than 9.30am at least one clear working day before the meeting. An address may last for no more than three minutes. If an address is made, the board member who has political responsibility for the item for decision may respond or the board will have regard to the points raised in reaching its decision.

12.10 Gaps in these procedures

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

13. SCRUTINY COMMITTEE PROCEDURES

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13.1 Number of scrutiny committees

Full Council has appointed one scrutiny committee

13.2 Membership of scrutiny committees

(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 Board.

(b) Conflicts of interest

Members of the scrutiny committee should not, generally, scrutinise decisions they have made but such occurrences will be rare because no member of the executive can be a member of the scrutiny.

(c) Substitutes

Members of the committees 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 member cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: a member of a committee may not send a substitute to a committee or a panel established by a committee at which a scrutiny review is being conducted and which will continue to be conducted at a subsequent meeting.

If a member wants to send a substitute, they must tell the head of law and governance before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the Board.

(d) Procedures when a Councillor resigns from a committee

A Councillor can resign from a committee by writing to the head of law and governance. A replacement member will be appointed at the next full Council meeting.

(e) Procedure when a committee member stops being a Councillor

If a committee member stops being a Councillor, a replacement member will be appointed at the next full 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.

13.4 Scrutiny Committee meetings

The scrutiny committee meets on dates set by full Council. If it needs to have extra meetings, it sets the dates of these itself.

The head of law and governance or the scrutiny committee itself can decide to call a special meeting.

The head of law and governance 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 head of law and governance 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 committee has nothing to do at one of its fixed meetings, the head of law and governance can cancel it after consulting the chair.

13.5 Quorum

The quorum for the scrutiny committee is four.

13.6 Chairs and vice chairs of scrutiny committees

(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 a member of the opposition.

(b) Resignation of chair or vice chair

If a Councillor wants to resign as chair or vice chair, they must write to the head of law and governance. 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 full Council – see 13.9(c).

13.8 Agenda

(a) Putting items on the agenda

Any Councillor can put an item on a scrutiny committee agenda if they write to the head of law and governance 10 working days before the meeting. The item must be relevant to the committee.

(b) Speaking on agenda items

Any member of the public and any Councillor who is not a member of the 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 full Council

The scrutiny committee must review anything full Council asks it to review as soon as they can make space in its programme of work.

(d) Requests for reviews from the Board

The scrutiny committee can (but does not have to) review things the Board 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 16.2.

In areas that are not covered by the budget and policy framework, the scrutiny committee can suggest policies for the Board 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 Board (if it is about executive responsibilities) or to full 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 Board or full 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 head of law and governance:

- the Board must consider it at its next ordinary meeting if it is about executive responsibilities
- full 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 working days of the report reaching the Head of Law and Governance then the report will go to the next meeting after that.

13.11 Arrangements for Board to comment on reports to full Council

When a scrutiny committee sends a report to full Council, the head of law and governance will send a copy to each member of the Board. Full Council must consider Board 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 15.11.

13.13 Duty of Board members and officers to attend scrutiny committees

(a) Duty to attend

The scrutiny committee can require members of the Board and senior officers to attend and answer questions about:

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

(b) Procedure for attending

The head of law and governance 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 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 on scrutiny committees.

13.15 Order of business at scrutiny committees

The order of business will be:

- declarations of interest
- anything that has been called in
- any Board responses to the committee's reports
- anything else on the agenda
- minutes

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.

13.16 Witnesses at scrutiny committee

Witnesses should be treated with politeness and respect.

13.17 Gaps in these procedures

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

14. OTHER COMMITTEE PROCEDURES

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14.1 Which committees do these procedures apply to?

These procedures apply to the:

- appointments committee
- area planning committees
- audit and governance committee
- disciplinary committee for chief executive, directors and heads of service
- general purposes licensing committee
- hackney carriages and private hire licensing sub-committee
- licensing and registration 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

Full 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.

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	3 including at least one member of the Board	Permitted
Area planning committee	9	5	Permitted
Audit and governance committee	7	3	Permitted
Disciplinary committee for chief executive, directors and heads of service	4	3 including at least one member of the Board	Permitted
General purposes licensing committee	10	4	Permitted
Hackney carriages and private hire licensing sub-committee	3	2 But the meeting can only proceed at quorum if the person appearing before it agrees	Permitted
Licensing and registration sub-committee	4	2 But the meeting can only proceed at	Permitted

		quorum if the person appearing before it agrees	
Licensing and gambling acts committee	15	5	Not permitted
Licensing and gambling acts case work sub-committees	3	3	Only from the licensing and gambling acts committee
Planning review committee	9	5	Permitted
Standards Committee	7 Councillors 1 non-voting co-opted member representing the Oxford Parish Councils	3	Permitted

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 head of law and governance. A replacement will be appointed at the next full 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 full 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 after annual Council.

The chair and vice chair of all the committees must be Councillors.

(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.

(c) Resigning as chair or vice chair

If a Councillor wants to resign as chair or vice chair, they must write to the head of law and governance. A new chair or vice chair will be elected at the committee's next ordinary meeting.

14.6 Meetings of committees

(a) Cancelling a meeting

If a committee has nothing to do at one of its fixed meetings, the head of law and governance can cancel it after consulting the chair.

(b) Special meetings

The head of law and governance can arrange a special meeting after consulting the chair.

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

14.7 Substitutes

Substitutes are not permitted for the licensing and gambling acts committee.

For other committees, members can send other Councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for the whole meeting. A member cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: substitutes at the

area planning committees and the planning review committee can attend for just a single item.

Substitutes cannot appoint substitutes of their own.

If a member wants to send a substitute, they must tell the head of law and governance before the meeting.

14.8 Speaking on agenda items

Where the press and public are not excluded any member of the public and any city Councillor can speak on any agenda item for up to five minutes if the chair agrees.

14.9 Area planning committees and planning review committee

- (a) No Councillor may be a member of more than one area planning committee. A member of the planning review committee may not be a member of an area planning committee. These rules shall not apply to substitutes.
- (b) The east area planning committee shall be responsible for reaching decisions on the matters in 5.3 within the following wards –
 - Barton and Sandhills, Blackbird Leys, Churchill, Cowley, Cowley Marsh, Headington, Headington Hill and Northway, Littlemore, Lye Valley, Marston, Northfield Brook, Quarry, Risinghurst and Rose Hill and Iffley
- (c) The west area planning committee shall be responsible for reaching decisions on the matters in 5.3 within the following wards:
 - Carfax, Hinksey Park, Holywell, Iffley Fields, Jericho and Osney, North, St. Clement's, St. Margaret's, St. Mary's, Summertown, Wolvercote.

14.10 Gaps in these procedures

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

15 ACCESS TO INFORMATION AND KEY DECISION PROCEDURES

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15.1 Meetings affected by these procedures

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

The rest of the procedures in this section apply to full Council, Board 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 (see 15.4).

15.4 Exceptions to public's right to attend meetings

(a) Confidential information – Council must meet in private

The Council must meet 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 – Council can meet in private

The Council can meet in private when exempt information is likely to be discussed.

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.

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).

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)

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

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)

Information about legal action (paragraph 6)

Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment

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)

15.5 Reports that are expected to be considered in private

If the Monitoring Officer expects that a report will be considered in private under 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 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 (see 15.4)

15.8 Access to meeting papers before a meeting

The agenda and reports will be available at the town hall at least five clear days before a meeting. 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 and reports will also be available on the Council's website. 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.

Councillors will get the papers in advance for any meetings they are going to attend.

15.9 Access to meeting papers after a meeting

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

- The agenda, reports and background papers
- 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.

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 scrutiny committees

Members of scrutiny committees have a right to copies of any documents seen or controlled by the Board that are relevant to decisions taken by the Board or by single executive members 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 document in draft form (draft documents approved by the Board or single executive members for consultation are available for members of scrutiny committees).

15.12 Extra rights of access to information for Councillors

Any Councillor can see any documents seen or controlled by the Board that are relevant to:

- Decisions to be taken by the Board in public
- Decisions taken by the Board in private
- Decisions to be taken by single executive members
- 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 Board or single executive members for consultation).

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

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 (see 15.4). If they do this, they may be breaking the members' code of conduct (see Section 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

To involve spending 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 £500,000 or greater.

15.15 Procedures before taking key decisions

When a key decision is taken, it must have been published in the forward plan (see 15.16), unless it is urgent (see 15.17).

If a key decision is taken by the Board or a single executive member, the report must say that it is a key decision.

15.16 The forward plan

(a) Period of forward plan

The leader will prepare a forward plan each month. Each plan will start with the first day of the next month and cover four months.

(b) What is in the forward plan?

The forward plan will list any key decisions that are going to be taken. For each decision, it will say:

- What the decision is about
- Who will take the decision
- When the decision will be taken
- Who will be consulted and how

- How to comment and when by
- Which document the decision takers have been given to consider.

(c) Publishing the forward plan

The forward plan must be published at least 14 days before the start of the period it covers.

At least once a year, the head of law and governance will publish a notice in at least one local newspaper saying that:

- The Council take key decisions
- The forward plan will be prepared each month with information about the key decisions (the notice will give the dates for the following year when each forward plan will be published)
- Each forward plan will cover the next four months
- The public can come to the Council offices and look at the forward plan – this will not cost them anything and they will be able to do it during office opening hours.
- Each plan will list the documents given to decision takers to consider (the notice will give the address where the public can see any documents that are not confidential or exempt – see 15.4)
- Other documents may be given to decision takers (the notice will describe how members of the public can ask for details of these as they become available).

(d) Exempt and confidential information

Exempt information need not be included in the forward plan. Confidential information cannot be included.

15.17 Urgent key decisions

(a) Procedure for taking urgent key decisions

If a key decision has not been included in the forward plan, it can still be taken if it is not practicable to put it in the next plan and wait until the start of the first month in that plan.

Before taking a key decision that has not been included in the forward plan, the head of law and governance must write to the chair of the relevant 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.

The decision cannot normally be taken until five clear days after the chair is told. But the decision can be taken before that if the chair (or the lord mayor if there is no chair) agrees that it is not reasonable to defer it.

(b) Three-monthly reports to full Council on urgent key decisions

The leader will report to full Council every three months on any urgent decisions that have been taken.

15.18 Reports to full Council on decision that were not in the forward plan

The relevant scrutiny committee or its chair or any five of its members can require the Board to report to full Council if a key decision has been taken that was not in the forward plan (unless it was an urgent decision under 15.17).

Normally the Board will report to the next ordinary full Council meeting. But if the next meeting is within seven days of the request for a report, the Board will report to the next meeting after that. The report will say what the decision was and who took it.

15.19 Key decisions taken by officers

When an officer takes a key decision, they will produce a record of it as soon as possible. This will include the reasons for the decision, any alternatives considered and any interest declared by any Board member they have consulted. (Information does not have to be made public under this rule if it is exempt or confidential – see 15.4). A key decision taken by an officer may be called in – see 17.

16. BUDGET AND POLICY FRAMEWORK PROCEDURES

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16.1 Responsibilities for the budget and policy framework

Full Council sets the budget and policy framework (see The Board and officers must act within it.

16.2 Developing the budget and policy framework

- (a) The forward plan will include a timetable for any proposals affecting the budget and policy framework and will say what consultation there will be. The amount of consultation 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 Board must say what consultation there has been and what the results were. The Board will consider the response to the consultation and draw up firm proposals. The report to full Council will reflect any comments made during the consultation and the Board's response.
- (c) The Board's proposals will go to full Council as soon as possible.
- (d) Full Council can:
 - Accept the Board's proposals
 - Refer the proposals back to the Board, or
 - Change the proposals, for example by adopting proposals of its own.
- (e) If full Council accepts the Board's proposals without any changes, the decision will come into force immediately.

- (f) If full Council changes the Board'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 head of law and governance within five clear working days, giving reasons.
- (h) If the leader object to an in principle decision, full Council will meet again within 10 further working days. At the meeting, full Council can accept the Board's proposals or change them.
- (i) Full Council's decision will come into force immediately.
- (j) When full Council sets the budget, it will also say how much the Board and single executive members can move between costs centres (see 18.10). Any other changes must be made by full Council.

16.3 Decisions outside the budget or policy framework

- (a) The Board, single executive members 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 18.10 (moving money between cost centres)
 - necessary to obey the law or ministerial directions or government guidance.

Any other decisions must be recommended to full Council (see 16.2).

- (b) The Board and any single executive members 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 Board or single executive members 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 full Council meeting
 - the chair of the relevant scrutiny committee agrees that the decision is urgent. (If the chair of the relevant 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 full 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 full 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 full Council.

17. CALL-IN PROCEDURES

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17.1 What decisions can be called in?

The following decisions can be called in:

- resolutions by the Board
- decision taken by single executive members
- key decision taken by officers
- ward member spend
- planning decision taken by area planning committees
- decisions on planning applications that were going to be taken by the head of city development.

17.2 Notices of decisions

After a decision is taken that could be called in (or when the committee section is told about the decision if that is later), the committee section will send electronically a notice of decision to all Councillors (and any co-opted members of a body that took the decision) within two working days.

A notice of decision relating to ward member spend will, after the approval provided for in 4.6(c) be sent to all Councillors within five working days of the approval.

The notice of decision will say what the decision was and where it can be called in to.

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 to be taken by the head of city development	Any four Councillors	Within the 21-day consultation period – this starts when the planning application notice is posted to Councillors
Planning decisions taken by area planning committees	Any twelve Councillors or the head of city development	Within two working days of the notice of decision being published
Non-planning decision taken by the Board	Any four Councillors or the chair of the relevant scrutiny committee	Within two working days of notice of decision being published
Decision taken by single executive member	Any four Councillors or the chair of the relevant scrutiny committee	Within two working days of the notice of decision being published
Ward member spend	Any four Councillors or the chair of the relevant scrutiny committee	Within two working days of the notice of decision being published

Co-opted committee members cannot call in decisions.

17.4 How are decisions called in?

Decisions are called in by sending a call-in form to the head of law and governance or emailing it to callin@oxford.gov.uk.

Reasons do not need to be given for a call in of a planning application to be taken by the head of city development. Reasons for all other call-

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

When a decision is called in, the head of law and governance will tell the officer, the single executive or ward member or the chair of the body that took the decision.

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 the head of city development	Area planning committee
Planning decisions taken by area planning committees	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 head of law and governance 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 area planning committee or planning review committee will decide the planning application.

17.7 What happens when a decision is called in to a 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 Board or single executive or ward member or officer, who will then take a final decision, or

- send comments to full Council on any decision that recommends changing the budget or policy framework.

17.8 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 be Board or single executive 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 full Council, along with any comments from the scrutiny committee. Full Council can then:
 - make the Board or the single member 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.

17.9 Urgent decisions

A decision to be taken cannot be called in if the chair of the relevant 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 relevant 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 full Council meeting with the reasons why they were urgent.

RULES

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18. FINANCE RULES

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18.1 Responsibilities under the finance rules

(a) Responsibilities of the Head of Finance

The Head of Finance is responsible for regulating and controlling the finances of the Council and hence he/she 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 Directors

Directors are responsible for the financial management of their directorate.

(c) Responsibilities of Heads of Service

Within their service area, Heads of Service must:

- ensure the highest standards of financial probity

- ensure compliance with the Finance Rules and any procedures or guidance issued by the Head of Finance
- monitor monthly the overall financial position of their service area in accordance with the Cost Centre Managers Manual issued by the Head of Finance
- advise the Head of Finance and relevant Board member 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 Head of Finance.

(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.

18.2 Audit

(a) Internal Audit

In accordance with the Accounts and Audit Regulations the City Council is responsible for ensuring an 'adequate and effective system of internal audit'. The Executive

Director, Organisational Development and Corporate Services has responsibility for monitoring adherence to the Audit Plan. Audits will be carried out in accordance with CIPFA Guidelines. At the commencement of the financial year the Audit and Governance Committee will approve an audit plan for that year. On a quarterly basis 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 Audit Commission undertakes an annual audit of the Council's Statement of Accounts. It also audits specified grant claims and reports annually on the Council's governance framework and delivery of best value. It has the right to inspect records and to ask for information and explanations. The Executive Director, Organisational Development and Corporate Services 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 (see 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 Executive Director, Organisational Development and Corporate Services and Head of Finance must be advised in writing by the line Manager as soon as possible.

18.4 Information and records

The Head of Finance is responsible for the Council's accounting system, the form of accounts and its supporting financial records. The Head of Finance 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 Head of Finance is responsible for keeping tax records, advising on tax, making tax payments, receiving tax credits and submitting tax returns. The Head of Finance will advise Officers on the appropriate records to be maintained.

18.6 Insurance

The Head of Finance 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 Head of Finance of changes in insurable risks
- process insurance claims in accordance with procedures laid down by the Head of Finance

18.7 Budget Setting

On an annual basis the Head of Finance 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 approve a Council Tax Base and Council Tax for General Fund services and a weekly Council house rent for the ensuing year.

18.8 Responsibility for Budget Decisions

Responsibilities for budget decision are shown in the table below:

Executive Member Decisions	City Executive Board Decisions	Full Council Decisions
<ul style="list-style-type: none"> • agreeing transfers between cost centres of £100,000 to £250,000 that are in line with the policy framework 	<ul style="list-style-type: none"> • agreeing a draft revenue budget for consultation • recommending the revenue budget to full Council • recommending the Treasury Management Strategy before it goes to Full Council • recommending the Housing Business Plan to Full Council • agreeing the Risk Management Strategy • recommending the Capital Programme to Full Council • recommending the Corporate Asset Management Plan to full Council • recommending extra spending to full Council • Monitoring delivery of financial performance • Recommending to full Council transfer(s) of assets between the General Fund and the Housing Revenue Account • Agreeing transfers between cost centres of > £250,000 = <£500,000 that are in line with the Council's policy framework 	<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 are over £500,000 or breach the policy framework • agreeing transfers between the General Fund and Housing Revenue Account • setting the Council Tax base • setting the Council Tax • setting housing rents • setting Fees and Charges

18.9 Estimates and Reserves – Robustness and Adequacy

There is a duty on the Head of Finance to report on the robustness of the estimates and the adequacy of reserves when the Authority is considering its budget requirement and Members are required to have regard to this advice.

18.10 Budgetary Control

Ongoing 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) The following are the general principles of the budgetary control framework

- All budgets are assigned a Head of Service and Director 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 Head of Finance
- Heads of Service will report on their budget on a regular basis to the Head of Finance in a format and timeframe prescribed by the Head of Finance.
- The Head of Finance will validate the information provided by the Heads of Service and report periodically to relevant Officers and to the Board 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 Head of Service and Director are the Officers accountable for authorising the commitment of resources against the budget.

(b) Virement Rules – Revenue

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 Head of Finance in a form prescribed by the Head of Finance. Permanent virements are permitted following consultation and agreement with the Head of Finance. Virements are permitted in accordance within the following parameters:

Virement	Limit	Agreement Required
Within Cost Centres	Unlimited	Head of Service subject to consultation with Head of Finance
Between Cost Centres	=< £100,000 that are in line with the Council's policy framework	Head of Finance
	> £100,000 = <£250,000 that are in line with the Council's policy framework	Sing Executive Member decision
	> £250,000 = <£500,000 that are in line with the Council's policy framework	City Executive Board
	> £500,000 or breach the Council's policy framework	Council

Full 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 follow consultation with the Head of Finance and the Director of Finance and Efficiency a supplementary estimate may be sought from Council.

In the case of emergency the Chief Executive or his/her nominated representative in consultation with the Head of Finance or his/her nominated representative may approve additional expenditure, or virement over £250,000 providing approval is sought from the Board or full Council (depending on the amount involved) at the first opportunity following the additional expenditure or virement.

(c) Use of Reserves and Provisions

The Head of Finance shall establish reserves and provisions to meet known or estimated future liabilities.

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

18.11 Capital Strategy

The Head of Finance will prepare a Capital Strategy which:

- 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 must be obtained for projects in accordance with the following requirements:-

Less than £150,000 – Head of Service or Director

£150,000 up to £500,000 – Director in consultation with the three Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Finance Officer)

£500,000 and over – Board

The project approval report must include:

- The aim of the project and any other ways of achieving it
- effects on staffing
- 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
- If it is a key decision, any comments made during consultation and the Council's response
- The estimated amount and timing of any capital and revenue spending, any ongoing effect on revenue, and whether this spending 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. Monitoring of the Capital Programme will be undertaken by the Head of Finance in conjunction with Project Managers and associated Heads of Service. A report will be submitted to relevant Officers periodically, and the Board 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 expenditures may only be incurred if:

- Budgetary provision has been made within the approved Capital Programme
- Project approval, if required, has been given
- The Contract Rules have been complied with.

Where it is anticipated that the budget for a capital project will be overspent against its approved budget the relevant Head of Service will be responsible for notifying the Head of Finance. Overspend up to £250,000 may, with the approval of the Head of Finance, be accommodated by virement from other schemes' underspending within the approved Capital Programme. 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 Board and subsequently full Council requesting a supplementary estimate if required.

Where it is not possible for a scheme to progress in a particular year the Head of Finance in conjunction with the Executive Director Organisational Development and Corporate Services can 'slip' the approved capital budget for a scheme to future years on the assumption that the overall budget for the scheme is not exceeded.

18.14 Treasury Management

(a) Treasury Management Strategy

The Head of Finance will produce and submit the Treasury Management Strategy to the Board for recommendation to full Council. The Strategy will set out the Council's treasury plans for the next year (including any prudential borrowing plans). The Strategy will include a list 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 full Council.

(b) Day-to-day Treasury management Operations

The Head of Finance 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 Board and made available as appropriate to the relevant scrutiny committee.

(c) Bank Account

Only the director of Finance and Efficiency or the Head of Finance may open a bank or building society account on behalf of the Council. The Head of Finance is responsible for managing all accounts.

18.15 Asset Management

(a) Responsibilities of Head of Corporate Property

The Head of Corporate Property 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 Head of Finance will keep a register of all fixed assets worth more than £10,000. Heads of Service must report any acquisitions or disposals so that this can be kept up-to-date. Every year the Head of Finance in conjunction with the Head of Corporate Property 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)

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

(d) Arranging leases

Only the Head of Finance may arrange leases for non-property items.

18.16 Ordering and Paying for Goods and Services

The Head of Finance 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 Head of Finance. Heads of Service 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:
 - (i) Utility bills

- (ii) Payroll cheques
 - (iii) Staff expenses
 - (iv) Subscriptions
 - (v) Grants
 - (vi) Refunds
 - (vii) Compensation payments
 - (viii) Payments of rent for privately leased properties
- (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 full Council
- (c) Official orders must indicate clearly the nature and quantity of the work or services required and also the financial commitment.
- (d) Heads of Service 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 Heads of Services**

Heads of Service 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 Head of Finance is responsible for co-ordinating risk management within the authority.

(a) Responsibilities of Directors

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

(b) Responsibilities of the Head of Finance

- To periodically review and present for adoption 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 Heads of Service

- Identify and manage risk in their service areas
- Have contingency plans for major risks
- Advise the Head of Finance of any risk that could result in losses or claims against the Council

18.18 Wages, Salaries and Pensions

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

Heads of service must advise the Head of Human Resources and Facilities 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 Head of Finance 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 Head of Finance will give detailed guidance on petty cash.

18.20 Income Collection

(a) Responsibilities of Directors

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

(b) Responsibilities of Head of Finance

The Head of Finance is responsible for ensuring that systems are in place to ensure that all income is identified, collected, receipted and promptly banked.

(c) Responsibilities of Heads of Service

Heads of Service 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. Heads of Service 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 Head of Finance 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.

Heads of service must have effective systems for monitoring income due to their service area. The Head of Finance must be advised if income targets are unlikely to be achieved and must be advised of any cases of financial impropriety.

(c) Writing off debt

Officers can write off all debts. But right offs must be approved by the head of finance or the head of customer services.

(d) Cancelling debt

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

18.21 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 Head of Finance 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 the 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
- Pay money to terrorists or suspected terrorists or their organisations.

19. CONTRACT RULES

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19.1 When do these rules apply?

These rules apply when the Council expects to give or receive money or payments in kind. They apply to both capital and revenue and cover:

- Contracts for goods, works or services
- Acquisitions and disposal of land or buildings.

The Board can waive any of these rules after seeing a report from the head of service giving reasons. (But it must always comply with national and EU law).

These rules do not apply to grant giving – the rules of this are in the Council's grants prospectus.

19.2 Other relevant guidance, rules and law

Attention should also be paid to:

- The finance rules (See 18)
- The budget and policy framework procedures (Section 16)
- Section 4 of this Constitution (who carries out executive responsibilities?) and Section 5 (who carries out council responsibilities?)
- National and EU procurement law and guidance.

Heads of service must consider the corporate governance arrangements and legal issues when entering contracts and must ensure the risks are fully assessed.

19.3 Responsibility to follow these rules and relevant law

These rules apply to officers and anyone else managing or supervising contracts on behalf of the Council. Heads of service must make sure their staff follow them.

The Council may take disciplinary and/or legal action against anyone who breaks these rules or the relevant national or EU law.

19.4 Interests of Councillors and officers in contracts

(a) Avoiding conflicts of interest

Councillors, officers and anyone acting for the Council must avoid conflicts of interest.

(b) Councillors' interests

Councillors must follow the members' code of conduct (Section 22). In addition it is a criminal offence for a Councillor not to declare a financial interest in a contract.

(c) Officers' interests

Officers must declare interests in contracts. It is a criminal offence for an officer not to declare a financial interest in a contract. (This does not apply to an officer's

own contract of employment or their tenancy of a Council house).

The Head of Law and Governance will record officers' financial interests in a book that Councillors can look at during office hours.

(d) Officer reports and advice

If an officer writes a report for a meeting on something they have an interest in, they must give a brief description of the interest in a separate paragraph at the beginning of the report.

If an officer advises full Council or the Board or a committee or a single member on something they have declared an interest in, they must make reference to their interest.

19.5 Before a contract is agreed

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

- They will help a service area to achieve its service transformation plan
- the Council has the legal power to enter into the contract
- there is a budget to cover the cost
- project approval has been obtained where appropriate – see 18.12
- the total contract value has been calculated – see 19.6
- the contract gives best value for the Council

19.6 Total contract value

The total contract value is the total amount (minus VAT) that is expected to be paid to the supplier as a result of the contract award during the whole of the contract. It includes:

- the value of anything the Council is getting for free as part of the contract or which is charged on to a third party.

- any amount that could be paid by extending the contract (if there is a contractual right to extend it).

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.

A single contract must not be artificially split into smaller contracts to get around these contract rules or the law.

19.7 Sub-contracting

Where in a particular contract the main contractor intends to appoint one or more sub-contractors to discharge some or all of its contractual obligations, the main contractor must be placed under an obligation to so inform the Council, and the Council's Head of Finance shall consider whether in each case a collateral warranty from the sub-contractor in favour of the Council is required.

19.8 Format of contracts

All contracts must be in writing.

Contracts with a total contract value over £100,000 must be sealed (see 21.3). Contracts under £100,000 must be signed by two officers – the relevant heads of service (or an officer authorised by the head of service) and a member of the Procurement Team.

Contracts over £100,000 must be in a form approved by the Head of Law and Governance.

Contracts over the EU threshold must comply with relevant EU procurement law and guidance.

19.9 Clauses that must be included in all contracts

Contracts must:

- say what is to be supplied or done, the timescale for performance and standards of performance required.
- say how much is to be paid and include any terms for deductions, discounts or penalties
- Give the period of the contract
- require contractors to meet any standards set by the head of service and any appropriate BSI British Standards or

EU equivalents (EU standards must be included if the total contract value is over the EU threshold)

- require contractors to follow all appropriate codes of practice.
- Require the contractor to hold appropriate insurance cover – the level of indemnity will be set by the head of service after assessing the risk and consulting with the Council’s insurance officer if necessary. However this cover must include a minimum of £5m public liability insurance, unless a lower level of cover has been agreed by the Head of Finance.
- include any other conditions and terms that have been agreed.

19.10 Clauses that must be included in contracts over £100,000

Contracts over £100,000 will include all the following clauses unless the Head of Law and Governance thinks they are inappropriate:

- (a) a clause allowing the Council to cancel the contract and recover any resulting losses from the contractor if it discovers that:
 - the contractor or its employees have given, offered or promised anything to influence how the Council awarded or managed the contract
 - the contractor or its employees have committed an offence under the Prevention of Corruption Acts 1889-1916
 - the contractor or its employees have given anything that Section 117(2) of the Local Government Act 1972 forbids officers from accepting
- (b) a clause requiring the contractor to:
 - provide at least £5,000,000 public liability insurance indemnity or any other level of cover recommended by the Head of Finance
 - provide £5,000,000 employer liability insurance indemnity or any other level of cover recommended by the Head of Finance

- provide £1,000,000 professional insurance or any other level of cover recommended by the Head of Finance
 - produce proof of insurance (for example copies of the insurance certificates) if the head of service thinks it necessary
 - provide a bond (or other suitable form of guarantee) for 10 per cent of the contract value if the Head of Finance thinks it necessary
- (c) a clause saying who will supervise the contract on behalf of the Council and deal with any necessary changes to its terms
- (d) a clause requiring the contractor to protect the health and safety of anyone affected by its work
- (e) a clause requiring the contractor to comply with data protection laws and help the Council to comply with the Freedom of Information Act
- (f) a clause requiring the contractor 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 contractor does not meet the Council's standards and timescales and to bill the contractor for:
- the administrative costs of finding and appointing a new contractor, and
 - any amount by which the new contract exceed the old one.
- (h) if the head of service considers it necessary, a clause saying what damages must be paid if the contractor breaks the contract and explaining how the amount of damages was reached – the head of service will consult the Head of Law and Governance on the amount of the damages and what should trigger them.

19.11 Thresholds for quotes and tenders

The Council is seeking to ensure that all purchases made are undertaken through a single electronic tendering system ("the Selected System"). The Head of Business Improvement will provide details of

the Selected System and any changes to it. All purchase of goods, services or works with a value in excess of £1,000 must, therefore, be undertaken through the Selected System. All such purchases shall also comply with the thresholds for quote and tender provisions as set out below. Exemption from using the Selected System can only be obtained with the consent of the Head of Business Improvement.

For all contracts over £100,000 a financial appraisal will be undertaken by the Head of Finance. The relevant head of service must not commission any work from the supplier until the contract has been approved by the Head of Finance and a named contract manager has been appointed.

Heads of Service must consider advertising all contracts up to £100,000.

Total value of contract	Quotes or tendering
>10,000 < = £10,000	Seek at least two quotes, at least one of which must be from a local supplier
>£10,000 < = £50,000	Seek at least three quotes, at least one of which must be from a local supplier
>£50,000 < = £100,000	Seek and get at least four quotes, at least one of which must be from a local supplier
Over £100,00	Tendering (EU procurement law and guidance must be followed for contracts over EU thresholds)

‘Local supplier’ means a supplier who provides significant local benefits to the community, particularly through employing staff. An example would be a locally owned and independent enterprise.

All quotes must be held by the head of service for 12 months after the renewal of the contract.

19.12 When is there no need to seek quotes or tenders?

(a) Emergencies

If there is an emergency or a disaster, the chief executive can approve spending outside these rules after consulting

the Head of Finance. The leader must be told as soon as possible.

(b) Written approval of Head of Finance and Head of Business Improvement and Technology

Heads of service do not have to seek or obtain quotes for contracts with a value of £100,000 or less if, after submitting an explanatory report to the Head of Finance and the Head of Business Improvement and Technology, these officers have given their written approval to waive the requirement to seek or obtain quotes on the basis that to do so would create no overall economic benefit to the Council.

(c) Purchasing consortiums

Heads of service do not have to get quotes or go out to tender if they have used a purchasing consortium that can show it follows the law and good procurement practice.

19.13 Tendering of contracts over £100,000

If the total contract value is over £100,000 tenders must be sought. (Tenders can also be sought for lower contract values.) Tendering can be by open tendering (19.14), restricted tendering (19.15), negotiated tendering (19.16) or other EU procurement methods (19.17). Whichever method of tendering is selected paragraphs 19.19, 19.20, 19.21 and 19.22 will apply.

19.14 Tendering by standing list

- (a) A Head of Service can decide to get tenders for a contract by open competition.
- (b) The Council will publish a public notice:
 - on the council's website and e tendering portal
 - if the total contract value is above the relevant EU threshold, in the Official Journal of the European Union – the notice will need to comply with EU regulations.
- (c) The notice will:
 - say what the contract is for

- describe how to express interest in tendering
- give the deadline for tenders

The notice must be published at least 14 days before the deadline for tenders. If the total contract value is above the EU threshold, EU rules must be followed. These require the notice to be published at least 52 days before the deadline for tenders.

19.15 Restricted tendering

(a) A head of service can decide to limit the right to tender to people and organisations on a shortlist.

(b) In order to compile the shortlist the Council will publish a notice:

- on the council's website and e tendering portal
- if the total contract value is above the EU threshold, in the Official Journal of the European Union – the notice will need to comply with EU regulations.

(c) The notice will:

- say what the contract is for
- describe how to express interest in tendering
- give the deadline for tender

The notice must be published at least 14 days before the deadline for expressions of interest. If the total contract value is above the EU threshold, EU rules must be followed. These require the notice to be published at least 37 days before the deadline for expressions of interest.

(d) After the deadline for expressions of interest, invitations to tender will be sent to:

- at least five people or organisations who expressed an interest in tendering – these will be selected by the head of service, either generally or for a particular contract or category of contracts

- if fewer than five people or organisations are considered suitable by the head of service, all the ones that are considered suitable.

19.16 Negotiated tendering

(a) Total contract value below the EU threshold

For contracts below the EU threshold that have been tendered, the Head of Finance can allow a head of service to negotiate with one or more contractors on terms.

(b) Total contract value above the EU threshold

The EU negotiated procedure can only be used in very limited circumstances and in the main has been replaced by the competitive dialogue process.

19.17 Other EU Procurement methods

The following procedures can be used for individual contracts if the Head of Business Improvement agrees:

(a) Competitive dialogue

This can be used for complex contracts. It allows the Council, through dialogue with providers, to develop the optimum contract valuation.

(b) Framework agreements

These are arrangements between the Council and providers that set terms for any contracts between them. Framework agreements are for a set period and should not normally be for more than four years.

(c) eAuctions and eProcurement

E Auctions are electronic auctions where providers bid against each other to offer the lowest price. They are open to any provider that meets certain conditions and include all tenders that meet the specification. E Procurement covers a range of electronic procurement methods.

(d) Framework agreement or one-off contract set up by another public organisation

This can be used if the public organisation has been the lead organisation in setting up the framework agreement or contract and has acted within national and EU law and the Council can properly join the contract.

(e) Public auction

This can be used for buying or selling land.

(f) Purchasing consortiums

Purchasing consortiums must be able to show that they follow EU procurement rules.

19.18 Acquiring and disposing of land and buildings

(a) This rule applies to acquisitions and disposal of:

- freeholds or leaseholds with a consideration or premium over £500,000
- leases with a rental value over £125,000 per annum
- freeholds and leases for less than best consideration except when the acquisition or disposal is made:
 - under a legal duty
 - under a confirmed compulsory purchase order
 - under a scheme that has already been agreed by the Board for acquiring or disposing of more than one piece of land or more than one building.

(b) Before any tenders are invited for disposals or any provisional agreement is reached in negotiations or acquisitions or disposals, a report must go to the Board or a single executive member covering:

- the Council's present or most recent use of the land or buildings,

- other uses the Council could make of the land or buildings
 - other uses a buyer could make of the land or buildings
 - the estimated value of the land or buildings
 - how the land or buildings will be disposed of.
- (c) Tenders for acquisition or disposal of property are not required to be submitted through the Council's e-tendering portal but must be held securely until after the tender deadline and opened after the deadline by two Officers nominated by the Head of Corporate Property.
- (d) After a provisional agreement has been reached on an acquisition or disposal, another report must go to the Board or single executive member covering the terms of the disposal or acquisition and how the land or buildings will be used. If a disposal is for less than best consideration, the report must say why and whether consent is needed from the Secretary of State.

19.19 Submitting a tender

- (a) 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
 - lobbied councillors or officers about the tender.
- (b) Invitations to tender must be submitted via the Council's e-tendering portal

19.20 Council's Handling of Tenders Received through Portal

- (a) Each tender received via the portal is automatically date and time stamped. The tender cannot be accessed until after the tender deadline.

- (b) Tenders will be opened by an authorised member of the Procurement Team and passed to the relevant head of service who invited them.
- (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) If there seems to be a mistake in a tender, the tenderer will be asked to confirm that there is no mistake or withdraw the tender. This does not apply to arithmetical errors, which can be corrected by the head of service.
- (e) The Council must not negotiate with any tenderer outside the negotiated tendering procedure (19.16).
- (f) Documents from unsuccessful tenderers must be kept by the head of service who invited them for 12 months after the start of the contract.

19.22 Accepting quotes and tenders

(a) Total contract value less than £150,000

The head of service or Director can accept the lowest or most economically advantageous quote or tender if the Council is the buyer, or the highest if the Council is the seller, as long as:

- the spending is included in the council's capital or revenue budget
- project approval has been obtained
- any key decisions have been included in the forward plan
- any organisation the Council is acting as agent for agrees.

(b) Total contract value of £150,000 or over but less than £500,000

A Director can accept the lowest or most economically advantageous tender if the Council is the buyer, or the highest if the Council is the seller, as long as:

- the spending is included in the Council's capital or revenue budget
- budget approval has been obtained
- any key decisions have been included in the forward plan
- any organisation the Council is acting as agent for agrees
- the Director of Finance and Efficiency, the Monitoring Officer and the Chief Executive have been consulted.

(c) Total contract value £500,000 or over

Tenders of £500,000 or over can only be accepted by the Board after considering a written report.

19.23 Copies of contracts and register of contracts

(a) Keeping copies of old contracts

If the total contract value is over £10,000 the Head of Business Improvement will keep the contract in a secure place:

- for a least seven years from their end date if they were signed
- for a least 13 years from their end date if they were sealed,

but the head of service who invited the contract will still be responsible for managing it.

(b) Keeping a register of contracts

The Head of Business Improvement will keep a central register of contracts over £10,000.

All Heads of Service are required to provide the original of all contracts over £10,000 to the Head of Business Improvement.

(c) What will the register record?

For each contract, the register will record:

- what the contract is for
- the total contract value
- the name of the contractor
- the start and end dates
- the procurement method used
- whether the contract can be extended and how.

(d) Access to the register of contracts

Members of the public have the right to see the register of contracts.

(e) Register of certified contracts

The Monitoring Officer will keep a register of all certificates issued under the Local Government (Contracts) Act 1997.

19.24 Legal claims relating to contracts

Claims by contractors will be considered promptly by the Head of Service. Heads of service must consult the Head of Law and Governance before agreeing to anything that could make the Council liable for more than £5,000 or unable to collect damages of more than £5,000.

19.25 Varying contracts

Contracts can only be varied when the contract allows and by a written instruction from the head of service or an officer they have appointed to manage the contract. Where the contract provides for an extension, the head of service may exercise the option to extend the contract up to the specified maximum period if satisfied that the extension of the contract provides best value.

Any Important changes to a contract may need to be agreed by the Board and must be recorded in writing. In an emergency, they can be made by a Director and reported to the next Board meeting.

Variations must not break any of the contract rules or any terms of the contract.

19.26 Interpreting the contract rules

Questions about the contract rules and any related guidance will be dealt with by the Head of Business Improvement or the Head of Law and Governance.

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20.1 Appointments Committee

The power and duties of the appointments committee are set out in 7.7

20.2 Appointing the Chief Executive

The Chief Executive is appointed by full Council on the recommendation of the appointments committee. At least one member of the Board must be a member of the appointments committee.

Before the chief executive is appointed, the Head of Human Resources and Facilities must tell every member of the Board who the appointments committee wants to appoint and anything else that is relevant to the appointment.

Full Council can make the appointment if the Board agrees or if it makes no objection by a deadline set by the Head of Human Resources and Facilities or if full Council does not consider any objection relevant and justified.

20.3 Appointing the directors and heads of service

Directors and heads of service are appointed by the appointments committee. At least one member of the Board must be a member of the appointments committee.

Before a director or head of service is appointed, the Head of Human Resources and Facilities must tell every member of the Board who the appointments committee wants to appoint and anything else that is relevant to the appointment.

The appointment can go ahead if the Board agrees or if it makes no objection by a deadline set by the Head of Human Resources and Facilities or if the appointments committee does not consider any objection made by the Board relevant and justified.

20.4 Dismissing the chief executive, directors and heads of service

The chief executive, directors and heads of service are dismissed by the disciplinary committee for chief executive, directors and heads of service, which must include at least one member of the Board.

Before a dismissal, the Head of Human Resources and Facilities must tell every member of the Board who the disciplinary committee wants to dismiss and anything else that is relevant to the dismissal.

The dismissal can go ahead if the Board agrees or if it makes no objection by a deadline set by the Head of Human Resources and Facilities or if the disciplinary committee does not consider any objection relevant and justified.

20.5 Appointing political assistants

Appointments of political assistants will follow the wishes of their political groups.

20.6 Councillors not to be involved in appointing or dismissing other officers

Councillors will not be involved in appointing or dismissing anyone except the chief executive, directors, heads of service and political assistants. Other officers are appointed and dismissed by their heads of service. All officers except political assistants must be appointed on merit. Councillors may be invited to observe disciplinary appeal hearings against dismissal.

20.7 Disciplining the Chief Executive, Chief Finance Officer and Monitoring Officer

The Chief Executive, Chief Finance Officer and Monitoring Officer can only be disciplined if an independent investigator recommends it. They

can be suspended on full pay for up to two months while an independent investigator carries out an investigation.

20.8 Recruitment and selection procedure

All appointments must follow the Council's recruitment and selection procedure.

20.9 Advertising the positions of chief executive and director

When the Council wants to appoint a chief executive or director, it will produce a job description and person specification and send them to anyone who asks. The post will be advertised in a way that will bring it to the attention of suitable applicants.

20.10 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 head of service. (If they have declared a relationship with the head of service or their partner, it must be approved by the appropriate director).

20.11 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.

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21.1 Legal officers

The Head of Law and Governance can take any legal action necessary to carry out the Council's decisions or protect its interests.

21.2 Signing of documents

When the Council takes legal action, documents will be signed in the name of the Head of Law and Governance, unless:

- The law allows someone else to sign them and
- The Head of Law and Governance 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 Head of Law and Governance. It will be attested by the Head of Law and Governance or a senior officer nominated by 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.

CODES

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22. MEMBERS' CODE OF CONDUCT

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22.1 The Members' code of conduct

The Council adopted a code of conduct for members at the full Council meeting on 23rd May 2012. The code as adopted is set out below:

“This code of conduct is adopted pursuant to the council’s duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.

This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.”

Selflessness

- You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity

- In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

¹ A ‘co-opted member’ for the purpose of this code is, as defined by the Localism Act section 27 (4) “a person who is not a member of the council but who

- a) Is a member of any committee or sub-committee of the council, or
- b) Is a member of, and represents the council, on any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”

- You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

- You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

Honesty and Integrity

- You must not place yourself in situations where your honest and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership

- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

General Obligations

- You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member of co-opted member of the council and act within the law;

You must not bully² any person

You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.

You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:

² Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying.

- i. You have the consent of a person authorised to give it;
- ii. You are required by law to do so;
- 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:
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the council

You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.

When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.

When using or authorising the use by others of the resources of the council:

- i. You must act in accordance with the council's reasonable requirements;
- ii. You must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

Registering and Declaring Interests

- You 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, 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.
- 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'³.

- 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, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber where the meeting discusses and votes on the matter.

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 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 or
- be involved in dealing with a complaint.

22.4 Declaring Interests

(a) What interests must Councillors declare?

Councillors must declare the interests the members' code of conduct requires them to

³ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

declare. The code requires councillors to declare disclosable pecuniary interests.

(b) What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to a Councillors 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; 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 councillors Register of Interest is being considered at a meeting, the councillor must declare that he or she has 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 he or she must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

(e) Dispensation

The standards committee may grant dispensation to speak or vote on a matter at a meeting where a Councillor has a disclosable pecuniary interest. But unless dispensation has been granted the provisions of (d) above apply.

22.5 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.

22.6 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.

23 CODE ON COUNCILLOR-OFFICER RELATIONS

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23.1 Status of this code

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. Any complaints received in relation to alleged breaches of the 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 officers 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 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.

23.3 Politeness and respect

Councillors and officers should show each other politeness and respect. Councillors have the right to criticise officers' reports or actions, but they should:

- avoid personal and/or public attacks
- ensure their criticism is fair and constructive
- try to improve things for the future, not just criticise

Officers should not criticise Council decisions even if they do not personally agree with those decisions.

23.4 Unfair pressure

When they deal with each other, Councillors and officers should not try to take advantage of their position.

Councillors should generally restrict their discussion on strategic or significant issues to more senior officers, for example heads of service or team leaders.

Councillors should be aware that officers (especially junior officers) may feel unable to respond appropriately. Councillors, in particular those with special responsibilities should be particularly aware of this.

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.

Councillors should normally make appointments before visiting officers and should try to avoid frequent unscheduled interruptions.

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 consultations, grievance, whistle blowing and disciplinary procedures instead.

23.5 Councillors' enquiries

Officers should answer Councillors' enquiries within five working days. If that is not possible, they should send a holding reply.

23.6 Close personal relationships

Close personal relationships between individual Councillors and officers should be avoided.

23.7 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, head of service or director immediately. The manager approached will talk to the Councillor or the leader of their political group and may also tell the chief executive. 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, head of service or director immediately. If the problem continues the manager approached will consider whether to discipline the officer under the Council's procedures.

23.8 Information and advice

(a) General information and advice

Councillors can ask the chief executive or a director or a head of service for information or advice that relates to their work as a Councillor. As long as it does not involve giving the Councillor exempt information, officers will provide the best information and advice they can with the resources available.

If it is possible that a Councillor will use the information at a meeting, the Board member will be told what information has been asked for and given.

(b) Advice for Councillors with special responsibilities

The lord mayor, Board members and committee chairs can ask the chief executive, directors and heads of service for extra background information and advice on different courses of action.

The leaders of minority political groups can ask the chief executive or directors or heads of service for background information or more details about items coming to the

next meeting of a committee or the Board or to a single executive member. The appropriate chair or Board member will be told about any information given.

Party group leaders can ask for advice on presenting their budget in a correct form. This will be given in confidence.

(c) Help with casework

When data protection laws allow, Councillors will be given the information they need to do their casework. This will be done in confidence.

23.9 Political activity

(a) 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.

The Head of Human Resources and Facilities 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

(b) Lines of reporting

Employees answer 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

23.10 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 or for the benefit of other groups or bodies.

23.11 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.

(b) Letters on behalf of the Council

Letters on behalf of the Council will normally be sent by officers rather than Councillors. The leader or committee chairs may write some letters on behalf of the Council, for example representations to government ministers. These should be copied to the Board or the appropriate committee. Councillors must never send letters that create obligations or give instructions on behalf of the Council.

23.12 Officer advice to political groups

Political groups can invite officers to their meetings to give information and advice on Council business but cannot insist they attend. Officers who do attend must make themselves available to all groups on the same basis.

Officers must not do anything at a political group meeting that goes beyond giving information or advice on Council business.

Officers must not interpret group decisions as Council decisions.

23.13 Councillors' briefings, agendas and reports

(a) Briefings on agendas

Directors and heads of service will give briefings on full Council, Board 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 Board. Scrutiny committee chairs will be consulted on agendas for their committees. This should happen at least two weeks before the meeting.

(c) Requests for reports

Instructions for reports to come to the Board or committees can only come from the leader, the Board, a Board member, a committee or a committee chair.

23.14 Media Releases and Publicity

(a) Code of practice

The Media and Communications Team will follow the government's code of recommended practice on local authority publicity.

(b) Media enquiries

Officers must refer all media enquiries to the Media and Communications Team and must co-operate promptly with requests for information from the team.

(c) Content of media releases

Media releases can contain quotes from the leader, Board members, committee chairs, the lord mayor, the deputy lord mayor or the sheriff and information about how to contact them. They must not contain quotes from other Councillors or information about how to contact them. 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.

(d) When to issue media releases

The Media and Communications Team will be guided by the leader, Board member or committee chair on whether to issue a media release before or after a meeting. The Media and Communications Team will advise these Councillors on when a media release would be appropriate, taking into account any recommendations made by directors or heads of service. If there is a disagreement about what a media release should say, the chief executive will decide.

(e) Publicity in the run-up to elections

Once a notice has been published of an election in the Council's area, there can be no publicity about anything controversial until after polling day. Nor can there be any publicity that links policies or achievements to specific Councillors.

(f) Invitations to media events

Representatives of each political group will be invited to all media events involving Councillors. The Media and Communications Team will liaise with the leader, Board member or committee chair when setting up media events involving Councillors.

(g) Media releases by party groups and individual Councillors

When individual Councillors or spokespeople for political groups issue media releases, they should make it clear that they are not issuing them on behalf of the Council.

23.15 Specific ward issues and ward Councillors

If the Council organises a public meeting, about a specific ward issue it should invite all the Councillors for that ward and give them as much notice as possible.

If the Council does any consultation about a specific ward issue it 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 is potentially controversial and any press releases about their ward.

23.16 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.

(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, directors and heads of service).

Councillors serving on the disciplinary committee for the chief executive, directors and heads of service 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.

23.17 Responsibility for this code

The Monitoring Officer has overall responsibility for this code and will review how the code is working.

24 PLANNING CODE OF PRACTICE

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24.1 What does this code apply to?

This code applies to all planning decisions, whether they are taken by officer, area planning committees or the planning review committee. Further guidance for dealing with planning applications at committee meetings is attached to this code but is not a formal part of the Constitution.

24.2 Training for Councillors

Councillors are required to attend training, in planning at least once a year and will be told about any changes to the law or the Council's procedures.

24.3 Councillors' interests in planning applications

(a) Registering interests

The members' code of conduct requires Councillors to register interests. See 22.4.

(b) Declaring interests

The members' code of conduct says what Councillors must do if they have an interest in an item. See 23.15 to 23.18.

(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 view points.

If a member is a Board 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.

24.4 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.

Under the members' code of conduct, gifts or hospitality worth more than £25 that are linked to being a Councillor must be recorded in the register of interests within 28 days.

Officers should declare offers of gifts or hospitality in the relevant service area's hospitality register as soon as possible, whether they accept them or not. Officer hospitality registers will be reviewed annually by the Monitoring Officer.

24.5 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.

If a Councillor is involved in deciding the same application at both an area planning committee and the planning review committee, they must

weigh up all the relevant facts again at the planning review committee and make a fresh decision.

24.6 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 vote. This is not the same as the need to declare a personal or a personal prejudicial interest. That is a separate requirement of the members' code of conduct. See 23.

24.7 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.

(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 Head of City Development with their views in order that the comments may be reflected in the officer's report.

24.8 Whipping

Political groups must not whip planning decisions. Councillors must use their individual judgement when deciding how to vote.

24.9 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 and should take no part in the determination of the application.

The Head of City Development 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 an area planning committee, or if called in, the planning review committee, not by the Head of City Development. The committee report should be able to say that the Monitoring Officer confirms the application has not had any special treatment.

24.10 Planning applications by the Council

The Council will follow the government guidance for councils dealing with their own planning applications. These applications will always be decided by an area planning committee or, if called in, the planning review committee, not by the Head of City Development. Applications by the Council will not get special treatment: the Council will decide them on planning grounds and will not take into account how it could gain from giving or refusing permission.

24.11 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.

- (a) It should be made clear at the start that the discussion will not bind the Council.
- (b) Anyone taking part in the discussion should make it clear whether they are likely to be the decision taker.
- (c) Advice should be unbiased and consistent. It should be based on the local development framework and relevant facts.
- (d) A note should be made of any meeting, which Councillors should be entitled to see.
- (e) If the applicant so requests a follow-up letter should be sent, confirming what has been discussed.

- (f) At least two officers should attend any meetings that are likely to be contentious.
- (g) If Councillors have a meeting, they should take a planning officer with them. Meetings involving Councillors or officers should be recorded on the applicant's file.
- (h) Councillors should not approach applicants to try to achieve planning gain or get a planning application changed.
- (i) Councillors should never say anything that would give the impression that they have already made up their minds in relation the matter.

24.12 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.

24.13 Site visits

A site visit by an area planning committee or the planning review committee will only occur if it is necessary to inspect a site to gain a factual understanding of a site's location, physical characteristics and relationship to neighbouring properties or land use, before making a formal decision on a planning application. No decisions may be made on site.

Site visits will only be attended by members of the relevant committee. Third parties 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 should not be directly engaged by Councillors and all Councillor questions should 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. The members' code of conduct applies to site visits.

Beyond attendance, no formal notes will be recorded of a site visit.

Members of an area planning committee or 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.

24.14 Officers' Reports to Committee

Reports should cover all the relevant points, including:

- material objections
- what the local development framework says
- the history of the site.

Reports should have a recommendation and a technical assessment that clearly justifies it.

If the recommendation goes against the local development framework, clear reasons must be given.

Oral reports should be rare and carefully minuted.

24.15 Planning conditions added at the meeting

When Councillors suggest planning conditions that were not in the report, an officer should draft them. These should be delegated to officers but may, exceptionally, be brought back for approval if the committee wishes.

24.16 Decisions that go against the local development framework or officers' recommendations

If the officers recommend going against the local development framework, 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. A detailed minute of the reasons should be made and placed on the application file.

24.17 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 Head of City Development will monitor the quality of the Council's planning records.

24.18 Responsibility for this code

The Head of City Development and the Monitoring Officer have overall responsibility for this code. They will review how the code is working.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES 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.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful

2. At the meeting the Chair will draw attention to this code of practice. 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;

(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;

(d) 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 Officer/s and/or other speaker/s); and

(e) voting members will debate and determine the application.

4. Members of the public wishing to speak must send an e-mail to **planningcommittee@oxford.gov.uk** before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)

5. 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,

6. 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 that decision have been formulated; and

(d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

25 WHISTLE BLOWING POLICY

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25.1 Who can use this policy?

This policy is for Council officers whether they be full or part-time employees, secondees, casual workers or volunteers, or contractors. Members of the public can use the Council's complaints procedure or complain to the ombudsman.

25.2 What does this policy apply to?

This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- 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, theft or misuse of public money or failure to follow the Council's finance, contract or other rules.

The Council has other policies and procedures, for example on recruitment and selection, discipline, grievances and diversity. The

whistle blowing policy should only be used when other policies are inappropriate.

25.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the Council's work are expected to blow the whistle. 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
- 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.

25.4 Protecting the identity of whistle blowers

The Council cannot guarantee to protect the identity of whistle blowers as it may, during an investigation, have to say where it got its information from and disclose the original complaint. The whistle blower may also have to act as a witness in any subsequent hearing.

25.5 How will the Council protect whistle blowers?

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 have to act as witnesses.

25.6 Anonymous allegations

This policy encourages workers to put their names to allegations but the Council may investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the Council

will consider how serious it is, whether it is believable and whether evidence can be obtained from a non-anonymous source.

25.7 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 good faith.

Allegations that are made without a reasonable belief as to their truth or not made in good faith will be treated as a disciplinary offence and dealt with through the disciplinary procedure.

25.8 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. Whistle blowers can bring with them to meetings a trade union or professional association representative or a friend

25.9 How do workers 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.

(b) Putting concerns in writing

Whistle blowers should wherever possible put their concerns in writing, giving as much detail as possible and including relevant dates. Whistle blowers are not expected to prove that their allegations are true but they need to show that there are reasons for concern. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead – see 25.10(c).

(c) Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager or head of service but if the whistle blower does not want to go to their line manager or head of service, they can go to the chief executive, a director, the Monitoring Officer, the Chief Finance Officer or the Head of Human Resources and Facilities.

If the whistle blower suspects fraud or corruption, they can also go to the Council's internal auditors or to the Council's external auditors who are the Audit Commission.

25.10 How will the Council respond to whistle blowing?

(a) Notification of allegation

Upon receipt of an allegation under this policy the person receiving the allegation must notify immediately the Monitoring Officer, the Chief Finance Officer and the Head of Human Resources and Facilities (unless the allegation relates to one of these).

(b) Appointment of an officer to investigate

The person receiving the complaint will agree, in consultation with the Monitoring Officer, the Chief Finance Officer and the Head of Human Resources and Facilities how (unless the allegation relates to one of these) the allegation will be investigated and write to the whistle blower within 10 working days. The letter should:

- acknowledge that the whistle blower has used the whistle blowing 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.

(c) Interviews

If the whistle blower has not put their concerns in writing, they may be interviewed. A summary of the interview will be made which will be signed by the person conducting the interview and the whistle blower.

(d) Further action

After preliminary investigation the Council will take further action if the investigation officer decides it would be in the public interest to do so. 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

If the law allows, the Council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

25.11 Taking concerns further

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.

25.12 Monitoring and reporting

The Chief Finance Officer will report on a quarterly basis to 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.

25.13 Responsibility for this policy

The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

26 COUNCILLORS' ALLOWANCES

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26.1 Basic allowance

Each Councillor gets a basic allowance of £4,714.

26.2 Basic allowance reduction

(a) A 15 per cent reduction in the basic allowance payable in the financial year will be made in respect of any member who fails to attend required training sessions for:

- Induction training for members newly elected or re-elected
- Planning and development control training
- Licensing training for any member appointed to a licensing committee
- Members' code of conduct and associated training.

(b) where training is repeated later in the financial year and attended by members of Council who failed to attend the initial training described in (a) above full monthly payment of basic allowance will be resumed in the next payment month following the training and in each month thereafter until the end of the financial year.

26.3 Special responsibility allowances

Some Councillors get special responsibility allowances.

Special Responsibility	Allowance			Cash amount
Leader	2 ½ basic allowance			£11,785
Deputy leader	½ x basic allowance			£2,357
Board member with particular responsibilities given by the leader (including leader and deputy if they hold particular responsibilities)	1 ½ x basic allowance			£7,071
Board member without particular responsibilities	½ x basic allowance			£2,357
Chairs of scrutiny committees, audit and governance committee and area planning committees	1 ½ x basic allowance			£2,357
Leader of an opposition group (with at least two members)			No of Councillors in group Total no of Councillors in all opposition groups	£4,714 divided among opposition leaders

No one can have more than two special responsibility allowances. 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 member of Council is also a member of another Council, that member may not receive allowances from more than one Council in respect of the same duties.

26.4 Co-optees allowance

No allowance shall be paid to co-opted members.

26.5 Choosing not to be paid a basic or special responsibility allowance

If a Councillor does not want to be paid a basic or special responsibility allowance, they should write to the chief executive.

26.6 Councillors who are suspended

A basic allowance will not be paid to a Councillor who is suspended from full Council. A special responsibility allowance will not be paid to a Councillor who is suspended from holding the special responsibility.

26.8 Claiming for meals, travel and care

Councillors can claim for meals, travel and care when they attend:

- Full Council
- The Board
- Any Council committee or sub-committee
- Any outside bodies the Council has appointed them to
- Tenant forums
- Tenants' and residents' association meetings
- Conferences and seminars agreed by a director
- Meetings with directors or officers agreed by the Head of Law and Governance
- Any other events agreed by the Head of Law and Governance

26.9 Allowances for meals

Councillors can claim the same allowances for meals as officers

Meal	Amount	Length of meeting
Breakfast	£6.23	More than four hours before 11 am
Lunch	£8.60	More than four hours, including 12pm to 2 pm
Afternoon tea	£3.40	More than four hours, including 3 pm to 6 pm
Evening meal	£10.65	More than four hours and ending after 7 pm

26.10 Allowances for travel

Allowances for travel are shown in the table

Method of travel	Amount
Bus or train	Cost of fare
Bike	20p per mile
Motorbike	24p per mile
Car	40 per mile
Electric or similar vehicles used by someone with a disability	£1.20 per meeting

26.11 Travel from outside the UK

If a Councillor is coming from outside the UK to attend a meeting and want to claim for the travel, they must book their travel through the Democratic Services Manager (unless they can get a cheaper rate themselves).

Councillors should try to avoid having to travel from outside the UK.

26.12 Care for children and other dependants

Councillors can claim the actual cost of childcare up to a maximum of £7.50 per hour (or part of an hour).

Councillors can claim the actual cost of care for adult dependants up to a maximum of £15 per hour (or part of an hour).

26.13 Local government pension scheme

All members of Council are entitled to membership of the local government pension scheme. Members should tell the Head of Law and Governance if they wish to join the scheme. The members basic and any special responsibility allowance shall be regarded as amounts in respect of which a pension is payable.

26.14 How to claim allowances

Councillors do not have to put in claims for the basic and special responsibility allowances. These are paid automatically, in 12 instalments on the 28th of each month (or earlier if that day is a Saturday or a Sunday).

Councillors need to put in claims for care, meals and travel. These must be sent to the Democratic Services Manager. Claims for care, meals and travel will only be paid if they are made within two months of the meeting (unless the chief executive agrees there is a good reason for the delay). Councillors are paid on the 28th of each month (or earlier if that day is a Saturday or a Sunday) for any claims they have got in by the fifth of the month.

When Councillors claim for train fares, taxis or car parking, they must provide the ticket or receipt. They should try to provide the tickets for bus fares.

26.15 Indexing of allowances in the scheme

Councillor's basic allowance is linked to whatever the national pay settlement is for local government employees and will vary accordingly.

Councillors travel allowances are linked to whatever the inland revenue rate is and will vary as that rate is varied.

Councillors meal allowances are linked to and will vary with the staff rates. Carers allowances are fixed for the life of this scheme.

(NOTE: Council agreed this scheme at its meeting on 21st February 2011. Council decided that basic (and thus special responsibility) allowances be frozen at least until the end of the 2012/13 financial year, and that travel allowances be similarly frozen – minute 123 refers).

27. CODE ON USE OF IT EQUIPMENT

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27.1 When does this code apply?

This policy applies when Councillors and co-opted members use the Council's IT equipment, including any laptops they have borrowed.

27.2 Security of IT equipment and data

Councillors and co-opted members must follow the Council's IT security and data security policy. For example, they must:

- Allow the anti-virus software and anti-malware to update itself
- Allow any other automatic software updates
- Keep the firewall installed and switched on
- Not send confidential data in an insecure way
- Use passwords that are difficult to guess
- Log out or lock the screen when they leave their workstation.

The Council's ICT manager must be told of any security problems immediately.

27.3 Use of IT equipment

IT equipment is provided for Councillors and co-opted members to do their work as Councillors or as representatives on Council committees. They must not use Council IT equipment to:

- Break the law
- Break the Council's email and internet policy
- Download or distribute pornography
- Pass on anything they should keep confidential
- Download or distribute pirated software
- Damage or spy on other computers or networks
- Interfere with other users' data.

27.4 Usernames

Councillors and co-opted members should not use any Council usernames except their own nor should they let other people use their own Council username.

27.5 Email

When Councillors and co-opted members send emails from oxford.gov.uk address, they should:

- Be aware of the risk of libel
- Be aware of the effect they might have on the Council's reputation
- Not harass other people, for example by forwarding chain letters or flooding their mailboxes
- Use the mail address in a secure way in accordance with this code

27.6 Computer settings and software

When using the Council's computers, Councillors and co-opted members must not change the internet security settings. Neither must they load their own software (including games) or connect IT equipment of their own to the Council's networks.

27.7 IT Provision for Councillors

The Council has a budget to pay for IT for Councillors.

Councillors can claim back the cost of printer cartridges and half the monthly cost of broadband if they send in the receipt or bill.

The Council can also pay for laptops, Ipads and laser printers. Councillors who use these must use them only for Council work and must return them when they stop being Councillors.

27.8 Technical support

The Council only provides technical support for its own equipment.

27.9 Returning equipment

Where a Councillor or co-opted member is not re-elected or has to or chooses to stand down, IT equipment loaned to that person must be returned within 10 days of the event and the Council ICT manager's signature (or the signature of another Council officer nominated by her or him) must be obtained to confirm return. If equipment is not returned within 10 days a charge amounting to the full cost to the Council of replacement equipment may be made.

27.10 Monitoring

The Council records internet use, emails and any files that are sent to outside users and retains the right to view all messages whether incoming or outgoing and whether business, personal or otherwise. The Council will investigate any incident of possible misuse. If substantiated this may result in withdrawal of access and possible further action. Access to some websites is automatically blocked. Councillors who need to visit these websites to do their Council work should seek the advice of the Council's ICT manager.

27.11 Complaints about this code being broken

Complaints about this code being broken should be directed to the Monitoring Officer and may be investigated.

27.12 Reviewing this code

The Head of Business Improvement and Technology has overall responsibility for this code and how it is used and will review the code and how it is working on an annual basis.