

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

#	Ref	Proposal and reasons	Proposed wording
1	Part 3.7: The Council’s companies	<p><b>Proposal:</b> To include that the Shareholder and Joint Venture Group and Scrutiny may meet separately or simultaneously.</p> <p><b>Background:</b> The SJVG and Scrutiny arrangements were recently revised by the Leader and the Scrutiny Committee and a report went to Council on 26 July. Members of the Companies Scrutiny Panel are already encouraged to attend meetings of the Shareholder and Joint Venture Group (SJVG) and contribute as non-voting members. As part of those discussions it was considered that the idea of simultaneous meetings should be referred to the Constitution Review Group for further consideration.</p>	<p>...</p> <p>(c) Shareholding</p> <p>...</p> <p>The activities of the Shareholder and Joint Venture Group will be subject to consideration by the Council’s Scrutiny Committee. <u>The Shareholder and Joint Venture Group and Scrutiny may meet separately or simultaneously.</u></p>
2	Part 4.5: Decisions that must be agreed by Cabinet	<p><b>Proposal:</b> To include a higher threshold for project approval from Cabinet of £1m for contract awards (all other project approvals to remain with Cabinet at £500k and above).</p> <p><b>Rationale:</b> Currently officers have delegated authority to award contracts up to the value of £1m however the threshold for Cabinet to grant project approval is £500k (which applies to some contract awards). This change would enable officers to award contracts up to the value of £1m without any authorisation from Cabinet.</p>	<p>...10. giving project approval for projects of £500,000 or over <u>(£1,000,000 for contract awards)</u></p>
3	Part 4.6: Delegation to single Cabinet Members	<p><b>Proposal:</b> To include the principle that an officer report will be published 5 clear days before a decision is taken by an individual Cabinet Member – akin to any other executive decisions that are taken by Cabinet or the Shareholder and Joint Venture Group, where the reports and agenda are published 5 clear working days before the meeting.</p>	<p>...</p> <p>Any decisions delegated to a single Cabinet Member shall only be taken having regard to a written report submitted to them by the relevant officer within the senior management structure including any advice from the Head of Financial Services and the Head of Law and Governance. <u>The officer report will be published 5 clear working days before the decision is confirmed by the</u></p>

662

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

300

		<p><b>Rationale:</b> To promote transparency so the public knows what decisions are being made, but also to promote the visibility of such decisions to Members.</p> <p><b>Background:</b> The law allows for executive decisions to be taken by an individual Cabinet Member but this has generally not been the Council’s preferred approach to decision making. There is one delegation to a Cabinet Member in relation to the Council’s Commercial Property Strategy. Provisions for single Cabinet Member decisions were added to the Constitution in February 2021.</p>	<p><u>Cabinet Member unless consent of the Leader is given.</u></p> <p>....</p> <p>.</p>
4	Part 5.3 Planning	<p><b>Proposal:</b> To consider including a rule that planning applications in which the Council has a financial interest of over £1m (excluding treasury management holdings) must be determined by the Oxford City Planning Committee rather than officers for transparency.</p> <p><b>Example:</b> A planning application submitted by Lothbury Estates, in which the Council has invested £7m and receives quarterly dividend payments, would have to be determined by committee by default.</p>	<p>...</p> <p>(b)</p> <p>...</p> <p>The Oxford City Planning Committee will be responsible for:</p> <p>...</p> <p><u>deciding planning applications submitted by organisations in which the Council has a direct financial interest of £1m or greater, excluding treasury management holdings.</u></p> <p>...</p>
5	Part 9.3(b)	<p><b>Proposal:</b> To amend the requirement for the Chief Executive to report to the Appointments Committee every 6 months so that this requirement only applies where the Chief Executive has made changes to the senior management structure.</p> <p><b>Rationale:</b> The requirement for the Chief Executive to report to the Appointments Committee every 6 months was originally included in the Constitution to provide more accountability around the appointment of interim directors. Now that the Council has a stable senior</p>	<p>(a) The Head of Paid Service (Chief Executive), may amend the senior management structure of the Council to deliver the Council’s objectives in the most effective and efficient manner, subject to the following conditions:</p> <p>(i) That the Chief Executive can make interim appointments, of up to twelve months in total, to the senior management structure in order to facilitate projects or to fill a skills gap;</p> <p>(ii) That the Chief Executive shall consult with all political group leaders prior to the implementation of any changes to the senior management structure;</p>

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

		management structure it is considered that there is a reduced need for regular reporting, only where there are changes to report.	(iii) That the Chief Executive will report to the Appointments Committee <del>every within</del> <u>every within</u> six months <del>in relation to of any change to the senior management arrangements being implemented by the Chief Executive including any changes made to those arrangements;</del>
6	Part 11.11: Questions and statements by councillors	<p><b>Proposal:</b> To authorise officers to order questions on notice and to group similar questions.</p> <p><b>Rationale:</b> To clarify that officers are responsible for the order in which questions on notice are listed on the agenda. In practice questions on notice are grouped by Cabinet Member rather than taken in the order in which they are received. The grouping similar questions was supported by the Cross-party group.</p>	<p>...</p> <p>(b) Questions on notice</p> <ul style="list-style-type: none"> <li>• Questions on notice by councillors must be about something the Council is responsible for or something that directly affects people in the city.</li> <li>• The full wording of questions on notice must be emailed to <i>democraticservices@oxford.gov.uk</i> or received by the Head of Law and Governance by 1.00 p.m. at least seven clear working days before the Council meeting.</li> <li>• Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair. A Cabinet member can nominate another Cabinet member to reply.</li> <li>• <u>The Head of Law and Governance will determine the order of questions on notice and may group similar questions.</u></li> </ul>
7	Part 11.11 Questions and statements by councillors	<p><b>Proposal:</b> To include a sub-section on answering questions stating that members answering questions can offer to follow up with a written response within 5 working days of the meeting if they do not have the answer to hand and that any written responses will be added to the minutes of the meeting.</p> <p><b>Rationale:</b> To clarify that the member responsible for answering a question can offer to provide a written response, with provisions for ensuring the timeliness and visibility of written responses.</p>	<p>...</p> <p><u>(d) Answering questions</u></p> <p><u>Members answering questions may answer verbally or offer to provide a written response within 5 working days of the meeting, which will be circulated and added to the minutes.</u></p>

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

302

8	Part 12.7 Cabinet procedures: order of business	<p><b>Proposal:</b> To consider including a rule that Cabinet must respond to recommendations from the Scrutiny Committee within two months unless the Chair of the Scrutiny Committee agrees to an extension.</p> <p><b>Background:</b> The duty of the executive to respond to Scrutiny within two months is set out in 9FE of the Local Government 2000.</p>	<p>12.7 Order of business</p> <p>...</p> <p>(e) reports from the Scrutiny Committee <u>Cabinet will respond to Scrutiny reports within two months of the date of the Cabinet meeting unless the Chair of the Scrutiny Committee agrees otherwise.</u></p> <p>...</p>
9	14.6: Meetings of committees	<p><b>Proposal:</b> To include a rule that the Head of Law and Governance may cancel or reschedule a meeting in exceptional circumstances after consulting with the Chair, Group Leaders and the Chief Executive, if the agenda has not already been published.</p> <p><b>Rationale:</b> To include a means of cancelling or rescheduling meetings before an agenda has been published in exceptional circumstances e.g. death of a senior national figure, national lockdown. If the agenda has been published the meeting must to go ahead (and will be adjourned if the meeting decides or if there is no quorum within 15 minutes).</p>	<p>(a) Cancelling or rescheduling a meeting If a committee has insufficient business for one of its fixed meetings, the Head of Law and Governance can cancel or reschedule it after consulting the chair of the committee.</p> <p><u>The Head of Law and Governance may cancel or reschedule a meeting in exceptional circumstances in consultation with the Chair, Group Leaders and the Chief Executive, if the agenda has not already been published.</u></p>
10	Part 15.12 Access to information	<p><b>Proposal:</b> To include a rule in the Cabinet procedures that all members are invited to attend private parts of Cabinet meetings where exempt information is to be considered.</p> <p><b>Background:</b> Non-executive members have a right to attend private meetings of the executive by invitation. Custom and practice is that this is an open invitation to all members. This principle of openness is expressed in the Shareholder and Joint Venture Group terms of reference (Annex to Part 3).</p>	<p>15.12 Extra rights of access to information for councillors</p> <p>Any councillor can look at any documents seen or controlled by the Cabinet that are relevant to:</p> <ul style="list-style-type: none"> <li>• Decisions to be taken by the Cabinet in public</li> <li>• Decisions taken by the Cabinet in private</li> <li>• Key decisions taken by officers.</li> </ul> <p>But this does not apply to:</p> <ul style="list-style-type: none"> <li>• Information about individuals</li> <li>• Information about the possible terms of a contract the Council is negotiating</li> </ul>

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

			<ul style="list-style-type: none"> <li>• Labour relations information</li> <li>• Information that could be considered legally privileged</li> <li>• Information about action to deal with a crime</li> <li>• Advice given by a political assistant</li> <li>• Any document in draft form (except for draft documents approved by the Cabinet for consultation).</li> </ul> <p>This right is additional to any other rights the councillor has.</p> <p><u>Any councillor may attend private meetings of Cabinet.</u></p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">303</p>	<p>11 Part 15.14: Key decisions</p> <p><i>Links to #3</i></p>	<p><b>Proposal:</b> To align the key decision rules with the financial thresholds for matters reserved to Cabinet:</p> <p><b>Rationale:</b> To simplify the governance around decision making by ensuring that all key decisions are automatically matters reserved to Cabinet in the first instance (key decisions may then be delegated by Cabinet). Currently key decisions on contract awards &gt;£500k &lt;£1m are delegated to officers although some may require project approval from Cabinet &gt;£500k.</p>	<p>A key decision is an executive decision likely to:</p> <ul style="list-style-type: none"> <li>• Have a significant effect on people living or working in a least two wards or</li> <li>• Involve spending or saving a significant amount – whether an amount is significant depends on the Council’s total budget for the service involved.</li> </ul> <p>For this Council ‘significant’ in budgetary terms is:</p> <ol style="list-style-type: none"> <li>a) <u>Expenditure or savings of £500,000 or greater in the context of the medium term financial strategy.</u></li> <li>b) <u>Contract awards with a value of £1,000,000 or greater</u></li> <li>c) <u>acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation</u></li> <li>d) <u>Acquiring or disposing of leases with a rental value over £125,000 each year except statutory lease renewals under Part II of the Landlord &amp; Tenant Act 1954.</u></li> </ol>

<p>12</p>	<p>Part 19: Contract rules</p>	<p><b>Proposal:</b> To make the following amendments to contract rules:</p> <ol style="list-style-type: none"> <li>1. To include a threshold for works contracts (£4,733,252).</li> <li>2. To reflect changes to thresholds due to Brexit.</li> <li>3. To raise the social value from 5% to 10% (for contracts over £25k).</li> <li>4. Use of Frameworks to include options for Direct Award (i.e. justification)</li> <li>5. Provisions around grant funding (short deadlines / pre-condition that we must use a certain supplier)</li> <li>6. Provisions for consortiums (with the universities / other Councils / Thames water etc.) where the Council is paying towards a service, but doesn’t control where the money is spent.</li> </ol> <p><b>Rationale:</b> To update the contract rules as recommended by the Procurement Manager to reflect national changes to thresholds and strengthen the contract rules, including increasing the social value weighting.</p>	<p>19.6 Total contract value</p> <p>The total contract value is the total amount (<del>minus</del> <u>including</u> VAT) that is expected to be paid to the supplier as a result of the contract award during the whole of the contract.</p> <p>....</p> <p>19.9 Clauses that must be included in all contracts</p> <p>....</p> <ul style="list-style-type: none"> <li>• <del>all procurement contracts, which are below FTS contract thresholds</del>, All contracts of £25k and over must include a minimum 5%-10% social value weighting where proportionate and relevant. If not considered the reason must be documented.</li> </ul> <p>...</p> <p>19.12 Thresholds for quotes and tenders*</p> <table border="1" data-bbox="1283 884 2078 1406"> <thead> <tr> <th>Total value of contract</th> <th>Quotes or tendering</th> <th>Advertisement required?</th> <th>Process led by</th> </tr> </thead> <tbody> <tr> <td>&lt; £10,000</td> <td>Minimum one quote in writing, (local* if possible) alternatively an approved Framework may be used</td> <td>No</td> <td>Officer authorised by the relevant Head of Service</td> </tr> <tr> <td>&gt;=£10,000 &lt;=£25,000</td> <td>Obtain up to three written quotes (minimum two), attempt to seek at least one from a local* supplier alternatively an approved Framework may be used</td> <td>Advertising should be considered and any contract <u>of over £25,000 and over</u> must be placed on contracts finder in any event</td> <td>Officer authorised by the relevant Head of Service</td> </tr> </tbody> </table>	Total value of contract	Quotes or tendering	Advertisement required?	Process led by	< £10,000	Minimum one quote in writing, (local* if possible) alternatively an approved Framework may be used	No	Officer authorised by the relevant Head of Service	>=£10,000 <=£25,000	Obtain up to three written quotes (minimum two), attempt to seek at least one from a local* supplier alternatively an approved Framework may be used	Advertising should be considered and any contract <u>of over £25,000 and over</u> must be placed on contracts finder in any event	Officer authorised by the relevant Head of Service
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Appendix 1 – proposals to change aspects of the Council’s governance arrangements

305

			<p>&gt;£25,000                  &lt;=£100,000</p> <p>Obtain up to four written quotes (minimum three), Attempt to seek at least one from a local* supplier. Alternatively an approved Framework may be used</p>	<p>Yes, advertised on the corporate system and on contracts finder.</p>	<p>Authorised Procurement Practitioner or Procurement Team</p>	
			<p>&gt;£100,000 &lt;                  £185,000                  £213,477 including VAT</p> <p>Obtain up to six quotes (minimum four). Attempt to seek at least one from a local* supplier. Alternatively an approved Framework may be used.</p>	<p>Yes, advertised on the corporate system and on contracts finder</p>	<p>Authorised Procurement Practitioner or Procurement Team</p>	
			<p>&gt;£184,000                  £213,477 including VAT (Goods and Services)                  £5,336,937 including VAT (Works)</p> <p>Invite tenders (procurement law and guidance must be followed for contracts over the FTS thresholds) – process conducted by Procurement Team</p>	<p>The corporate system</p>	<p>Procurement Team</p>	
			<p><u>Where the option exists to Direct Award under a Framework, the rules of the framework allowing for direct award must be followed which should include as a minimum a full justification from the service area and sign off from the relevant Head of Service. The approval of the Head of Financial Services will also be required for contracts with a value of £100,000 and over.</u></p>			
			<p><u>*This will be the procurement limits as published from</u></p>			

			<p><u>time to time by the Government</u></p> <p>19.13 When is there no need to seek quotes or tenders?</p> <p>An exemption to not seeking quotes or tenders may be given in the following circumstances:</p> <p>...</p> <p><u>(e) Where the provision is for a Subscription or Membership and alternative suppliers are not available</u></p> <p><u>(f) Where the Council is a member of a Consortium and making a payment towards the Service / Goods / Works being procured as part of the Consortium. The Council however should ensure that due diligence is undertaken and that value for money is obtained (at least one consortium member should adhere to the PCR2015 if applicable).</u></p> <p><u>(g) Where grant funding incorporates direct instruction as to the supplier to be used.</u></p> <p><u>(h) When the Council opt into a National Scheme and the Supplier is assigned.</u></p> <p>...</p>
13	Part 19.11: Commissioning Oxford Direct Services Limited for one off capital schemes	<p><b>Proposal:</b> To include provisions for choosing an alternative supplier to Oxford Direct Services and the need to have Executive Director sign off to do so.</p> <p><b>Rationale:</b> To make provisions for where an alternative contractor to ODS needs to be considered for any reason e.g. capability or capacity.</p> <p><b>Background:</b> ODS is the Council’s wholly owned group of companies.</p>	<p>...</p> <p><u>Should tendering and procurement of an alternative contractor need to be considered for any capital scheme, for whatever reason, including capability or capacity, this will need the approval of the Executive Director of Development, or their delegate.</u></p>



Appendix 1 – proposals to change aspects of the Council’s governance arrangements

14	Part 21: Legal Rules	<p><b>Proposal:</b> To include a specific authorisation to the Head of Law and Governance to settle legal proceedings.</p>	<p><b>21.1 Legal officers</b>                  The Head of Law and Governance can take any legal action necessary to carry out the Council’s decisions or protect its interests. This will include:</p> <ul style="list-style-type: none"> <li>• to prosecute, defend, make application, serve any notice or appear on behalf of the Council in any court, tribunal or hearing on any criminal, civil or other matter (including appeals);</li> <li>• <u>to settle any proceedings</u></li> <li>• <u>to instruct external legal advisors...</u></li> </ul>
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