

4. Who carries out executive responsibilities?

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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 Council.

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

4.3 Need to follow the Constitution

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

4.4 Delegation to officers

All executive functions except the ones in Part 4.5, 4.6, and 4.7 and any executive functions delegated to the Shareholder and Joint Venture Group (see Part 3 Annex 1) are delegated to the officers in the senior management structure (Part 9.1 and Part 9: Annex 1).

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

An officer can only carry out a responsibility if:

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

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

- Awarding a contract where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
- Acquiring or disposing of freeholds or leaseholds granting new leaseholds (excluding assignments and rent reviews) where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
- Making a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order
- Where the effect of a decision is to grant a licence or permission or it affects the rights of citizens
- Discharging any other express delegation from Cabinet or a Cabinet Member a committee or Council.

4.5 Decisions that must be agreed by Cabinet

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

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

13. receiving Scrutiny recommendations and re-considering decisions of the Cabinet which have been referred back from Scrutiny following the call-in of a Cabinet decision
14. matters that the statutory officers (Part 9.2) of the Council place on the agenda
15. making compulsory purchase orders
16. agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges)
17. responding to consultations by outside bodies where the Leader wishes the Cabinet to approve the response
18. appointing and nominating representatives to outside bodies
19. adopting, amending and revoking supplementary planning guidance
20. acquiring or disposing of freeholds with a consideration or premium over £750,000 except for disposals pursuant to right to buy legislation
21. acquiring or disposing of leases with either the rental value is in excess of £250,000 per annum and/or the premium is £750,000 except statutory lease renewals under Part II of the Landlord & Tenant Act 1954 and disposals pursuant to right to buy legislation
22. acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year
23. disposing of property or leases for less than best consideration
24. changing eligibility for services
25. agreeing the community and voluntary organisations grants prospectus
26. giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties)
27. setting minimum service standards
28. designations of conservation areas
29. the following responsibilities in relation to street naming and numbering
 - (a) naming and numbering of streets if there are unresolved objections following consultation
 - (b) Agreeing policy redrafts and/or any substantial amendments to the Street Naming and Numbering Policy
 - (c) Consider whether a review of a street name should be carried out (on receipt, by the Council, of representations from local councillors and evidence that a substantial proportion of those who live in properties in the street or road are calling for a change in the street name)
 - (d) Renaming a street in the event of there being a balance of judgments to be made or there are unresolved objections following consultation about possible names.
30. adoption of Public Spaces Protections Orders that geographically include the whole local authority area

31. confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995(as amended)
32. formally designating a Neighbourhood Plan area
33. designating a Neighbourhood Forum as a “relevant body”
34. agreeing that the legal tests have been met and to proceed with the consultation stage in relation to a draft Neighbourhood Plan
35. submitting any consultation responses and a draft Neighbourhood Plan for independent examination
36. approving the modifications to policies in a Neighbourhood Plan as recommended by an Examiner’s report and approving any factual modifications that have been made for the purpose of correcting errors and approving any factual modifications relating to textual changes in the introductory chapters or in terms of the justification for the policies in a draft Neighbourhood Plan
37. agreeing that a draft Neighbourhood Plan (as modified) is submitted to a referendum
38. agreeing single carry forward sums in excess of £10,000
39. making decisions under the Community Infrastructure Levy Exceptional Circumstances Relief Policy
40. agreeing annual or regular flag flying and bell ringing commitments
41. approving loans and financial guarantees of over £250,000 to a company which is not wholly owned by the Council or to another external organisation where they would be within the agreed budget set by Council. Where they are not, Cabinet recommends to Council to approve the budget allocation beforehand.
42. agreeing whether to discharge an executive function by way of joint arrangement
43. agreeing whether to accept a delegation of an executive function from another local authority under joint arrangements
44. agreeing to the establishment by the Council of companies or joint ventures which are separate legal entities from the Council and are not subsidiaries of the Council’s existing companies or joint ventures
45. agreeing to develop any major new executive plan or strategy

4.6 Delegation to single Cabinet Members

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

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

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

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

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

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

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

4.7 Ward member decisions

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

The allocation cannot be spent on:

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

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

4.8 Decisions relating to Port Meadow and Wolvercote Common

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

4.9 Responsibility for housing safety

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

4.10 Public Spaces Protection Orders

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

4.11 Responsibilities not covered by these rules

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

Community Infrastructure Levy

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

Neighbourhood Planning

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

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

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

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

Housing

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

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