

# How Oxfordshire County Council Operates

## 1. Councillors

Oxfordshire County Council comprises 63 County Councillors elected every four years (beginning in 2001). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. County Councillors are democratically accountable to the residents of their electoral division. The overriding duty of County Councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.

The key roles of Councillors are as follows:

- (i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their electoral divisions and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) maintain the highest standards of conduct and ethics; and
- (vii) take part in the Council's Locality Meeting for their area, the purpose of which is for Councillors within that locality to share information with, and receive updates from, senior managers about the services, priorities and issues affecting that locality.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit & Governance Committee is responsible for promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors' Code of Conduct and advising Councillors and co-opted members on matters relating to the Councillors' Code of Conduct.

From time to time, Councillors will be appointed as "champions" for particular topics. The profile, role and appointment process are set out in Part 8.

## 2. Full Council

All County Councillors regularly meet together as a single body – known as the 'Full Council'. Meetings of the Full Council are open to the public. Here County Councillors decide their spending plans (the 'revenue budget' and 'capital programme') in February each year. The Full Council also approves a number

of plans and strategies which, together with the revenue budget and capital programme, are known as the 'Budget and Policy Framework'.

The Full Council is also responsible for appointing the Leader of the Council and various committees: some of these committees are responsible for overseeing and reviewing the decisions of the Cabinet on behalf of the Council; others have statutory non-executive responsibilities to discharge.

The Full Council will ordinarily meet 6 times a year. Additional extraordinary meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

Only the Full Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Budget and Corporate Plan (see below);
- (c) making decisions about any matter in the discharge of an executive function which is covered by the budget or the policy framework where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget or policy framework;
- (d) adopting the Council's Code of Conduct for Councillors;
- (e) appointing the Leader;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) adopting a Members' Allowances Scheme;
- (h) the functions relating to name and status of areas and individuals specified in Schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 including changing the name of the area;
- (i) confirming the appointment of the Head of Paid Service;
- (j) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (k) the making, amending and revoking of byelaws in accordance with Part XI of the Local Government Act 1972, as amended by the Local Government and Public Involvement in Health Act 2007;
- (l) appointment of the Council's auditors; and
- (m) all other matters which, by law, must be reserved to Council.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing

requirement, the control of its capital expenditure and the setting of virement limits.

The Council's Corporate Plan will be approved by Council on a four-yearly basis with annual updates being reported to Cabinet.

The Council will also adopt and maintain other plans from time to time. These may include, for example:

- Library plans
- Community Safety Partnership Strategies
- Local Transport Plan
- Development Plan (including Minerals and Waste)
- Youth Justice Plan

The current plans will be available on the Council's website.

### **3. The Chair of the Council**

The Chair will be elected by the Council annually. No Councillor shall normally occupy the position of Chair for more than one year at a time.

The Chair will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
4. to ensure the business of the Council is discharged effectively and conducted in a fair and even-handed manner taking account of the range of views expressed; and
5. to be the conscience of the Council.

In addition, the Chair:

- (a) takes the chair at Council meetings;
- (b) promotes public involvement in the Council's activities;
- (c) attends such civic and ceremonial functions as the Council and s/he determines appropriate and represents the Council;

- (d) entertains on behalf of the Council;
- (e) at their own discretion lends support to non-political causes as Chair of the Council;
- (f) speaks for the Council as a whole on non-political issues, particularly on public occasions;
- (g) represents the Council, where appropriate, on negotiations with other bodies where the Council is in essence not divided and it is desirable that the Council be seen to be represented at the highest possible level;
- (h) where the Council has expressed its wish, does not speak publicly save in accordance with the declared wish of the Council;
- (i) should consult the Monitoring Officer as to whether it is appropriate for them to make a statement on, or participate in, any particular matter where there can be doubt;
- (j) where advised that a matter is political, should refrain from comment; and
- (k) has discretion to adjourn a Council meeting without question to seek advice from the Monitoring Officer, or other, at any point.

#### **4. Cabinet**

The Cabinet is the part of the County Council which is responsible for most of the day-to-day main decisions about the Council's functions and services. The Cabinet comprises the Leader of the Council and up to nine other Councillors, each of whom has a special area of responsibility or 'portfolio'.

Major decisions are normally made at the Cabinet's regular monthly meetings; others are made by individual Cabinet Members or a committee of two or more Cabinet Members. Both processes are open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to work within the Council's Budget and Policy Framework. The County Council can approve (or reject) any proposals from the Cabinet for action which is outside the Framework. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

#### **5. Non-Cabinet Councillors**

County Councillors who are not members of the Cabinet have equally important roles to play. As well as their responsibilities for looking after the interests of their constituents, they exercise non-executive functions of the County Council through membership of one or more of the County Council's standing committees which deal with largely regulatory matters which the Cabinet is not entitled to deal with. These include:

- Audit & Governance – providing assurance on the Council’s risk, control and governance arrangements; promoting high standards of conduct by Councillors and co-opted members, as well as monitoring the operation of the Councillors’ Code of Conduct and advising Councillors and co-opted members on matters relating to the Members’ Code of Conduct.
- Pension Fund – managing the pension fund for participating employees of the County Council and other participating organisations and authorities.
- Planning & Regulation – dealing with various licensing matters as well as planning applications.
- Remuneration Committee – dealing with staffing matters including preparation of the annual pay policy statement.

Many of the day-to-day decisions on these matters will, in practice, be taken by sub-committees of Councillors or by professional officers acting in accordance with the delegation arrangements described later. Ultimately, they will still be accountable to the relevant committee or the full County Council, depending on the decision involved.

## **6. Overview and Scrutiny Committees**

These committees monitor the actions of the Cabinet and the other committees and may call them to account. Non-Cabinet members can (subject to certain rules) require decisions of the Cabinet to be ‘called in’ for review by the relevant Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.

## **7. Cabinet Advisory Groups**

These task and finish groups aid the Cabinet in the formulation of policy. They bring non-Cabinet members closer to the decision making of the Council and complement the role of the scrutiny committees.

## **8. The County Council’s Staff**

The County Council employs professional staff (or ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the County Council acts within the law and uses its resources wisely.

Officers may be authorised, either by the full Council, the Cabinet, a committee or a sub-committee (other than a scrutiny committee), to take decisions. The scope of these delegated powers is set out in Part 7 of this Constitution: Scheme of Delegation to Officers.

## 9. Citizens' Rights

Citizens on the electoral roll for the County have the right to vote in council elections and sign a petition to request a referendum for an elected mayor form of Constitution.

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) report on the proceedings of formal, public meetings of the Council using social media and other technology, provided that this is not disruptive to the meeting;
- (v) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- (vi) inspect the Council's accounts and make their views known to the external auditor;
- (vii) inspect information held by the Council, using the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004;
- (viii) see any personal information held about them by the Council, in accordance with the relevant data protection legislation;
- (ix) submit petitions under the relevant Council, Cabinet and Scrutiny Procedure Rules;
- (x) participate in Council matters by addressing in person or submitting a petition to the Council, a Committee, or the Cabinet, by participating in the Council's public question time and by contributing to investigations by scrutiny committees, including suggesting areas for review by scrutiny committees and issues raised through the Councillor Call for Action; and
- (xi) complain to the Council itself under the appropriate complaints procedure; the Ombudsman after using the Council's own complaints procedure; and the Monitoring Officer about a breach of the Councillors' Code of Conduct.